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## CURRENT TOPICS.

COURT OF APPEAL No. 2 are making rapid progress. On Thursday last, with a full list, they completed the hearing of the cases by 1.30. Having regard to the few appeals which remain to be heard, it appears probable that next week will see an end of the list.

THE PRESENT sittings will witness some changes among the leaders of the Chancery Division. Everyone will regret to hear that Mr. CHADWYCK HEALEY is compelled by ill-health to retire from practice, and will only appear in the remaining cases in which he is briefed or has been retained. It is under-

stood that Mr. COZENS-HARDY, Q.C., will henceforth be "special," and that Mr. OSWALD, Q.C., will practise in Mr. Justice ROMER's court.

IN SUCCEEDING to the post of Standing Counsel to the University of Oxford, Mr. MONTAGUE CRACKANTHORPE, Q.C., follows a long line of distinguished lawyers and scholars, not less famous in recent than in former times. Rather over twenty years ago Sir ROUNDELL PALMER resigned the appointment on his acceptance of the Great Seal, and Mr. COTTON, Q.C., was appointed his successor. His tenure of the office was comparatively short, for in 1877 he was raised to the Court of Appeal, and then Mr. HORACE DAVEY, Q.C., succeeded to the post. The new Standing Counsel's University distinctions could hardly be surpassed. He was University Mathematical Scholar and second for the Hertford Scholarship in Latin literature in the same term; double first class (classics and mathematics) at Moderations; double first class (classics, philosophy, and mathematics) in the Final School; Eldon Law Scholar, and Fellow of St. John's College.

AT THE COMMENCEMENT of the sittings on Tuesday last all the Chancery judges were present with one exception. On previous occasions comments have been made with reference to the absence of a certain highly-esteemed judge both on the last day and on the first day of the sittings. Perhaps we may venture to suggest that some consideration is due to the other judges of the same division, on whom the duties of an absent judge may, in pressing cases, be cast. The judges of the Queen's Bench Division were many of them present at the Lord Chancellor's reception, but as a meeting of judges had been summoned by the Lord Chief Justice for three o'clock, only one court, and that a divisional court, consisting of Mr. Justice CHARLES and Mr. Justice WRIGHT, sat on Tuesday. On Wednesday, besides the two divisions of the Court of Appeal and all the Chancery judges, there were nine judges sitting in the Queen's Bench Division.

SOME SURPRISE was occasioned by the announcement in Tuesday's cause list that Lord Justice DAVEY would sit in Appeal Court No. 2. That court is usually devoted to the hearing of appeals from the Chancery Division. As an advocate or an adviser Sir HORACE has been engaged in a great number of the cases now set down for hearing as chancery final and interlocutory appeals, and, of course, he cannot—unless by consent of the parties—sit to hear them as an appellate judge. It was therefore expected that the new Lord Justice would first sit as a judge in Appeal Court No. 1, and before long he will probably go there. Soon after the opening of the court the *Ailsbury* case was called on, and the new judge's first judicial utterance was a statement that if the case was to be argued he could not take any part in it. The new Lord Justice seemed to be as much at home as if he had been born in a full-bottomed wig and had been a judge all his life. He appeared to be in excellent health, and looked every inch a judge, and a judge of a very high type—more like Lord SELBORNE, as someone remarked, than any other recent occupant of the bench.

THE ATTENTION of the members of the legal profession present at the opening of the sittings was about equally divided between the new Lord Justice and the old "silver oar." There had appeared previously an announcement that the President of the Probate, Divorce, and Admiralty Division would revive "an old custom—the hearing by an officer of the court of a silver oar (which is the insignia of the Admiralty Court) before his lordship in the procession of judges." As a result of the double attraction of expected first appearances, there was an unusually large assembly in the Central Hall. We are given to understand that the silver oar took part in the procession, though, possibly by reason of its being only about three feet long, while the other object of interest was six feet long, it failed to attract the same degree of notice, and, indeed, appears to have escaped the observation of some of the spectators. Those who saw it must have felt that, though it symbolized one branch of the learned Fre-

aident's jurisdiction, it was utterly inadequate as an emblem of the portion of his work which comes most prominently before the public. Where was the symbol of the Divorce Division? And what was it? If rumour is correct, the question of the "insignia" for the Divorce Division was considered some years ago, for when the learned judge who then heard admiralty actions had an emblematical anchor fixed up in his court, he is stated to have taken occasion to inquire of his learned brother in the Divorce Court, "And now what are you going to have put up?" But we believe that the difficulties surrounding the question have hitherto prevented any conclusion from being arrived at.

THE COMMISSION for prejudging on unsworn evidence the question whether murder was committed during the Featherstone riots held its inquiry in public; and by means of the reports in the daily papers the public, and the jurors who may have to try persons charged with murder or manslaughter, will have read the unsworn evidence of numerous witnesses who declared that the crowd was orderly and well-behaved, and that there was no stone-throwing or disturbance; and will doubtless have formed their own opinion on the question whether there was anything to justify the firing. Not only was the evidence unsworn, but it was apparently originally intended that the witnesses should not be subjected to cross-examination in the ordinary sense. The president, in opening the "court," announced that "the testimony put before us cannot be given upon oath, and we propose to reserve to ourselves, as a rule, the entire examination of witnesses. But we should wish to receive, through our secretary, any suggestion from the advocates present as to any questions or points to which, in the examination of any witnesses, they think our attention ought to be called; and we shall hold ourselves free at any particular moment and at any particular point to invite any of the counsel present to aid us by putting themselves any question which we may for any reason think it advantageous to have asked by counsel." It was pretty obvious, however, that this proposal could hardly be carried into effect, and, in fact, counsel on both sides appear to have been allowed to cross-examine the witnesses. The future legal historian will have to record with amazement that an eminent lawyer should have directed such an inquiry to be made, and that an eminent ex-judge and two well-known members of the profession should have been found willing to conduct it.

WE BELIEVE that copies of the resolutions on the Land Transfer Bill adopted at the provincial meeting at Manchester of the Incorporated Law Society have now been sent to the Prime Minister, the Lord Chancellor, and the law officers. Those resolutions, it will be remembered, were as follows:—

"(1) That this meeting, while ready to assist in further simplifying dealings in land, and in perfecting any system which may be adapted to the requirements of landowners and convenient to the public, strongly deprecates any attempt to make the system of registration of title established by the Act of 1875 compulsory, and urges the necessity of a thorough inquiry into the working of that system, and the causes of its failure to attract landowners and the public.

"(2) That no system of registration of title will be adapted to the requirements of landowners or convenient to the public which (a) exposes the true and innocent owner to loss of his land by forgery, fraud, or mistake; (b) fails to provide adequate compensation for any loss arising from forgery, fraud, or mistake; (c) makes the land certificate valueless as evidence of title, and renders difficult, dilatory, or costly the system of equitable mortgage by deposit; (d) leaves in the hand of the Lord Chancellor alone, without the concurrence of any board or consultative body, the power of legislating by rules, or confers on any body other than Parliament the power of making the register public, or working the Land Registry as a source of public revenue."

We shall see whether the opinion thus formally expressed of the class most conversant with land transfer will be contemptuously rejected. At all events, Lord HERSCHELL will not be able to plead want of warning of the danger and discredit which his measure, if passed into law in its present shape, will be likely to involve. Meanwhile, we are glad to hear that the work of informing members of Parliament on the subject is going on. Messrs. MILNE & MILNE, of Clement's-inn, who have throughout the whole controversy acted with the greatest energy and public spirit, inform us that a deputation to the Hon.

W. F. D. SMITH, M.P., the member for the Strand Division, on the Land Transfer Bill has been arranged for the 3rd of November at 11 o'clock.

A CORRESPONDENT, whose letter we print elsewhere, raises the question whether a mortgagee of a life estate, who has foreclosed, can require the tenant for life to exercise the power of leasing conferred upon him by the Settled Land Act, 1882. We imagine he cannot. The policy of the Act is to vest the statutory powers in the person who is tenant for life under the settlement, or who takes an interest under the settlement conferring on him the powers of a tenant for life; and to retain the powers in such person although he assigns his interest. Section 50 (1) provides that the powers shall not pass to the assignee, and that they shall remain exercisable by the tenant for life. There appears to be no doubt that a mortgagee who has foreclosed ranks as an assignee simply, and he does not, as might be suggested, obtain by the foreclosure an independent interest which would entitle him to rank as a tenant *pur autre vie* under the settlement, and so gain the powers of a tenant for life. Section 50 (4) enacts that "assignment" in the section shall include assignment by way of mortgage, and the mortgagee after foreclosure is neither more nor less an assignee than he was before. If he is legal mortgagee, he is already assignee of the whole of the mortgagor's legal interest, and the foreclosure simply excludes the equity of redemption. The point is still clearer in the case of an equitable mortgage, as there the foreclosure decree will itself direct a conveyance, and so put the mortgagee in the position of assignee. Under section 50, then, the statutory powers remain in the mortgagor tenant for life, although he has ceased by the foreclosure to have any beneficial interest; and, while he is prevented by sub-section (3) from exercising them without the consent of the assignee, it seems that, if he does exercise them, it must be at his own discretion, and not at the bidding of the assignee. He is a trustee in the exercise of the powers for all parties entitled under the settlement (section 53), and, as trustee, he must have a free hand. Moreover, if he was compellable to exercise the powers, these would in effect pass to the assignee. The true view seems to be that the assignee gains the estate of the tenant for life and all rights incident to such estate as an estate, but he is not entitled to the benefit of any of the powers, extending in their effect beyond the life estate, which are conferred by the statute on the tenant for life. The only concession in his favour which the Act makes is, that the powers shall not be exercised to his prejudice.

THE DISSATISFACTION of an important section of the bar with the new circuit arrangements finds forcible expression in a letter by "Q.C." published in the *Times* of Thursday. There is no doubt that the practice of many barristers, especially leaders, will be prejudicially affected, and the complaint is that this will be accompanied by actual loss to provincial suitors, while there will be no compensating gain in the metropolis. The argument that, with the same number of judges sitting for the same number of days, the total legal output in the provinces and in London must remain the same, is not easily answered. At the same time, so far as the London cause lists are concerned, the continuous sittings will make it easier to foresee when any particular case will be taken, and it would be unwise to predict that, under proper arrangements, a greater amount of business cannot be got through. As we stated last week, the present sittings begin with a total of 1,109 causes in the Queen's Bench Division, against 1,005 a year ago. It is for the judges of that division, and those who have the arrangement of the work, to consider how these arrears are to be disposed of. Every now and then there is great rejoicing because some lucky action has been commenced, brought to trial, and heard within a phenomenally short period. But it is more important to notice the numerous actions which the parties and their solicitors would be only too glad to dispose of as rapidly, could a court be got to try them. The present scheme is an experiment, and the tests of its success will be the regularity with which the lists are taken, and the rapidity with which arrears are reduced. While the experiment is being



tried a portion of the bar may find it expedient to sacrifice provincial business and to stay in town, and suitors at the assizes will not be able to avail themselves as formerly of the services of the ablest men attached to the circuit. Perhaps the last hardship is not a very real one. Wherever there is business there will be found sufficient barristers able to undertake it, and the provincial suitor will not improbably be quite content to pit Mr. X. against Mr. Y., instead of being forced to pay Mr. A. a high fee because his adversary has secured Mr. B. To the class whom Mr. A. and Mr. B. represent the grievance is more substantial, and they will have good cause to complain if the new arrangements are not followed by a visible improvement in the conduct of metropolitan business. Such improvement, however, if it is realized, will at once justify the present change and bring compensation to the counsel affected.

IN THE CASE of *The British Linen Co. v. The South American and Mexican Co.* (reported elsewhere) VAUGHAN WILLIAMS, J., upheld a rule, laid down many years ago by GIFFARD, L.J., to the effect that when there are conflicting claims to carry on a liquidation between the liquidator appointed in a compulsory winding up and the receiver appointed in a debenture-holder's action, *prima facie* the preference will be given to the liquidator. His lordship also took occasion to observe that the rule had apparently not been uniformly followed by judges exercising jurisdiction in winding-up cases prior to 1890, when the Companies (Winding-up) Act, 1890, was passed. The rule, however, according to the decided cases, and also according to the recent decision of Mr. Justice VAUGHAN WILLIAMS, is only a rule of practice, and will yield to the particular circumstances of any given case if there are facts in the case which appear to the court to justify a departure from the rule. There are, no doubt, many reasons which would justify the court in departing from the rule, such as, for instance, the assets being insufficient to pay the debt due to the debenture-holders, or there being no uncalled capital to realize, or the assets being of such a nature that the particular receiver nominated by the debenture-holders would be a better and more fit person to act than the liquidator. Cases can easily be imagined where (for instance) an experienced accountant would be a more suitable person to get in the assets than the official receiver. Indeed, VAUGHAN WILLIAMS, J., in his judgment in the case before him expressly said that his recent experience as the judge exercising jurisdiction in winding up had taught him that the official receiver was *not* the most fitting and appropriate person to act in realizing the assets in cases where there is a business to be carried on or such transactions as buying or selling or borrowing money and the like. In these cases the intervention of some person having commercial knowledge and experience would be more desirable than that of the official receiver. Though his lordship has on some previous occasions intimated that there are cases where the official receiver is not the most desirable liquidator, we believe this is the first time that he has expressed his opinion formally in a judgment.

LESSEES do not often have the privilege of calling for their lessor's title, but in *Re Pursell and Deakin's Contract* (reported elsewhere) the lessor (whose property was mortgaged) expressly agreed to deliver an abstract. This concession has brought forth unexpected consequences, for, far from being content with seeing the abstract, the lessee insisted on seeing the deeds. This was conceded as a matter of courtesy, but a further demand for a covenant for production by the lessor was promptly refused. The lessee ruthlessly issued a vendor and purchaser summons, and, in spite of a strong contention on the part of the lessor that a piece of paper called an abstract was all that he had agreed to deliver, the lessee carried his point. The lessor will therefore have the pleasure during the next eighty years of producing his deeds on every assignment of the lease. The decision should be a warning to lessors who may be willing to shew their title to their immediate lessee, to expressly exclude his right to such a covenant or to an acknowledgment of right to production.

## WINDING UP DURING THE LEGAL YEAR 1892-3.

## II.

"Costs" have occupied a considerable amount of the Winding-up Judge's attention. Having regard to Mr. Justice KAY's decision in *Re A. W. Hall* (W.N., 1885, p. 190), there is nothing very novel in the principle of Mr. Justice VAUGHAN WILLIAMS' ruling in *Re Mont de Piété of England* (ante, p. 48), that, where an unopposed winding-up petition is presented after a voluntary liquidation has commenced, the separate costs of the voluntary liquidator's appearance will not be allowed in addition to those of the company.

The judge keeps a watchful eye on the costs of voluntary liquidators, and has added to the common form of supervision order words requiring the taxation of the liquidator's costs and charges. The old form was improved on in *Re Civil Service Brewery Co.* (ante, p. 194) and *Re Waterproof Materials Co.* (ante, p. 231), and the form, as finally elaborated—except where charges of fraud are made (as to which see *infra*)—is to be found at page 623 of Palmer's Winding-up Forms (2nd edition). Mr. Justice STIRLING's decision in *Re Snyder Dynamite Projectile Co.* (W.N., 1893, p. 37) seems at first sight rather unfair to the applicant. When once a liquidation has commenced, a person successfully fighting the liquidator, if allowed costs, ought to have them in full, and not be simply allowed to prove for them in competition with creditors.

Even before the new rule as to adjourning petitions was issued, the Winding-up Judge had more than once (see the instance ante, p. 170) expressed his disapproval of the frequent adjournments of petitions, especially where costs formed part of the arrangement, and he has done his best to prevent expense being incurred by cases standing over. On the other hand, no judge on the bench has been more ready to facilitate adjournments for the convenience of the counsel practising before him.

A point as to the costs of a second winding-up petition was decided on the lines of the old practice in *Re Sheringham Development Co.* (ante, p. 175), and Mr. Justice KEKEWICH decided an important case as to the extent to which a creditor's costs have priority over those of a liquidator (*Re New York Exchange*, 1893, 1 Ch. 371).

In *Strong v. Carlyle Press* (No. 2) (ante, p. 357) Mr. Justice VAUGHAN WILLIAMS held that, where a company in liquidation is taking proceedings in the nature of an action, it may be ordered to give security for costs, although the official receiver is the liquidator by whom it acts.

It can scarcely be said, even now, that there is a settled rule as to what persons appearing on the hearing of a winding-up petition should be allowed their costs of so doing. Generally speaking, the court inclines to follow in the steps taken by the regular Chancery judges when they had winding-up jurisdiction, but as mere paper support or opposition goes unrewarded, "Watching-the-straw" briefs are almost things of the past.

We have already (ante, p. 419) commented on the Inspector-General's report (for 1891) so far as it deals with "costs of administration." What he says about "nursing" assets must be read by the light afforded by some of the large liquidations which have been recently undertaken by the official receivers.

Summonses to render officers of companies liable for alleged misfeasances have not lately resulted in anything in the shape of reportable decision. A great case on this subject (*Anglo-Austrian Printing and Publishing Union*) has been pending for some time, and as against one respondent the summons has been dismissed, and with another a compromise has been effected. Whether any development of the law as to misfeasance will result remains to be seen.

The practice of transferring debenture actions to the Winding-up Judge has increased by leaps and bounds. It was fondly hoped in some quarters that Rule 14 (3) of April, 1892, would be sufficient to enable the ordinary Chancery judges to retain the control of this part of company business, but someone was astute enough to discover that the rule might be turned into a dead letter by asking the Chancellor, instead of the Winding-up Judge, to transfer actions to the latter. It is not quite known who does apply for the numerous orders for transfer of debenture actions. The applications are made wholesale and *ex parte*, and to litigants who are not in the habit of looking at the notice

boards in the registrar's office the first intimation that they have been transferred is generally received from the pages of the SOLICITORS' JOURNAL.

Quite early in the year, and indeed in his judicial liquidation career—if we may use the term—Mr. Justice VAUGHAN WILLIAMS (in *Re Edgbaston Brewery Co.*, ante, p. 251) denounced in strong terms the whole system of liquidation by means of debenture-holders' actions. There has been something more than rumour that a Government measure, having in view the demolition of these actions, and perhaps of debentures themselves, was being prepared; but so far it has not matured into actual legislation.

In *Strong v. Carlyle Press* (No. 1) (40 W. R. 404; 1893, 1 Ch. 268) Mr. Justice VAUGHAN WILLIAMS was, as he has since stated in court, rather unfairly dealt with. On the application of the official receiver, in chambers, his lordship had removed a receiver and manager appointed on behalf of the debenture-holders in an action to enforce their security. The Court of Appeal, upholding the rights of the debenture-holders as mortgagees, restored the receiver and manager. But what the Winding-up Judge complains of (see *Re Clarendon Land, &c., Co.*, ante, p. 367) is that the case was taken to the Court of Appeal without his consent, and without giving him an opportunity of hearing further argument, and he has stated that the Lords Justices would not have listened to the appeal if they had known how it came before them.

There is, however, still a notion that appeals from the winding-up registrar must be brought directly to the Court of Appeal, and the point was raised before, but not decided by, the Vacation Judge. But the registrar's decisions are given in chambers, and the practice is in a very curious condition if a motion to discharge an order of the judge in chambers must be made to himself in court, while an order of the registrar in chambers can only be overhauled by the Court of Appeal. This question must, at an early date, be either settled by a decision or set right by a rule.

The secured creditor—with the aid of certain Scotch lawyers versed in the mysteries of arrestment *ad fundandum jurisdictionem*—scored another victory in *Re West Cumberland Iron and Steel Co.* (41 W. R. 265; 1893, 1 Ch. 713). *Fowler v. Broad's Patent Night Light Co.* (41 W. R. 247; 1893, 1 Ch. 777) is a useful decision as to how calls on capital which has been mortgaged to debenture-holders are to be collected after a winding-up order has been made. The judge arrived at the conclusion by his own lights, but it is supported by an order previously made by Mr. Justice KEEWICH in *Re Kinnears & Co.*, set out in Palmer's Winding-up Forms (2nd ed., p. 398). The last-mentioned case was cited in *Harrison v. St. Etienne Brewery Co.* (ante, p. 562), another case as to calls on capital pledged to debenture-holders in which are contained some wholesome remarks as to official receivers, &c., lending their names for litigation on being indemnified from costs.

*Lister v. Henry Lister & Son* (41 W. R. 330) may be useful in considering what is the value of a reissued debenture where there are debentures of more than one series. It should be stated that this case was subsequently reargued on an amended statement of facts, but the decision was the same.

The decision of Mr. Justice MATHEW in *Driver v. Broad* (41 W. R. 415; 1893, 1 Q. B. 539; affirmed 41 W. R. 483; 1893, 1 Q. B. 744) is also of some importance as regards contracts for the sale of debentures charging land. The case has already been commented on (ante, p. 451).

*Edwards v. Standard Rolling Stock Syndicate* (41 W. R. 343; 1893, 1 Ch. 574), a decision of Mr. Justice NORTH, only helps to blow away the doubt whether in a debenture-holder's action, where the security is in danger, though there is no principal or interest presently payable, the court may appoint a receiver and manager.

In consequence of the Preliminary Rule of April, 1892, most of the applications to the High Court in voluntary liquidations, under section 138 of the Act of 1862, have come before Mr. Justice VAUGHAN WILLIAMS—the registrar's office not requiring, as perhaps in strictness it should, a certificate from the applicant's solicitor that no previous application in the liquidation has been made.

The first case to be noticed, however, under the head of

voluntary winding up (*Hooper v. Western Counties, &c., Co.*, 41 W. R. 84) was decided by Mr. Justice CHITTY, and is important as a judicial recognition and explanation of the frequently used and as often misused term "reconstruction." A decision of some importance with reference to voluntary liquidation was given in *Re Cornwall Brick, Tile, and Terra Cotta Co.* (ante, p. 214) and establishes that voluntary liquidators ought not to come to the court to ask whether a particular person should be put on the list of contributories, but that if there is a *prima facie* case against him, the liquidator ought to put him on the list and leave him to ask for the court's intervention. But, as certain writers on winding up point out (Palmer, p. 595), this was the case of only one person's liability as contributory being in dispute, and "when the liability of a class of persons is in dispute, it may be cheaper and more convenient for the liquidator to apply for a declaration of liability."

We have already referred to the position in which a voluntary liquidator may find himself with regard to costs on a winding-up petition being presented, and to the conditions with respect to his costs and charges which are imposed when a supervision order is made. These orders have been made still more effective by Mr. Justice VAUGHAN WILLIAMS' new rule that where a petition asks for a compulsory or supervision order alternatively, and alleges fraud or misconduct on the part of officers of the company, a supervision order will only be made on the terms of the voluntary liquidator undertaking to furnish a written report on the particular matter referred to in the petition: *Re Electric Construction Corporation* (ante, p. 683).

Further alterations in supervision orders may be expected. Section 147 of the Act of 1862 says, "The court may make an order directing that the voluntary winding up should continue, but subject to such supervision of the court, . . . and generally upon such terms and subject to such conditions as the court thinks just." Section 151 says that a supervision order, "save as aforesaid"—the "aforesaid" assimilating the liquidator's powers, subject to the court's restrictions, to those possessed by him in a voluntary liquidation—"shall for all purposes, including the staying of actions, suits, and other proceedings, be deemed to be an order of the court for winding up the company by the court, and shall confer full authority on the court" to make and enforce calls, "and to exercise all other powers which it might have exercised if an order had been made for winding up the company altogether by the court."

Now Mr. Justice VAUGHAN WILLIAMS has on several occasions—*Re New Oriental Bank Corporation* (ante, p. 132) is an instance—compared the merits of winding up by the court and winding up under supervision, to the disparagement of the latter; but from remarks which have since from time to time fallen from him, it may be gathered that his lordship thinks supervision proceedings are occasionally more suitable than the sterner procedure which brings in the Board of Trade, the lengthy public examinations, and other inevitable results. And if creditors will only be reasonable—and the many recent Australian liquidations prove that they often do show the greatest forbearance—they will be able to obtain supervision orders so hedged about with conditions and restrictions, imposed by the court under the authority of sections 147 and 151 of the Act of 1862, that liquidations may be conducted on much the same lines as those which took place before 1890 by order of the court, but with the addition of many of the improvements suggested by the working of the Act of that year. It may be that the wording of section 8 of the Act of 1890 stands in the way of public examination being ordered in such liquidations, but private examination—a far more useful proceeding—can be directed.

The Australian banks crash has given rise to many points of company law. Some of the banks, though incorporated abroad, were not registered in England, but had branch offices in this country. They were in such cases ordered to be wound up as unregistered companies. As, however, the principal liquidation was going on in the colony of registration, the judge, in *Re Federal Bank of Australia* (ante, p. 341), improved on Mr. Justice NORTH's order in *Re Commercial Bank of South Australia* (35 W. R. 107, 33 Ch. D. 174) by staying the hand of the official receiver and provisional liquidator. A similar form of

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order to that made in the case of the Federal Bank was made in November, 1892, by the same judge in *Re English and Australian Mortgage Bank* (Palmer, p. 80). *Re Federal Bank of Australia* was affirmed in the Court of Appeal (*ante*, p. 441), and we have already commented on the case (*ante*, pp. 436 and 538).

But most of the additions to case law occasioned by the financial crisis in the Antipodes relate to arrangements under the Joint-Stock Companies Arrangements Act, 1870. Mr. Justice VAUGHAN WILLIAMS' experience as a bankruptcy lawyer and judge has induced him to take a great interest in this branch of company law. He has examined and considered it with the greatest care, and in a very few weeks has probably decided as many questions arising out of it as all the judges from 1870 to 1892 had together succeeded in delivering judgment upon. It is impossible to deal exhaustively with the many matters in connection with schemes of arrangement which have come before the Winding-up Judge without having the various schemes and orders actually before one. Suffice it to say that he has carefully considered the place which the Act of 1870 occupies in company legislation, that he has accurately defined the substituted system of liquidation which the Act provides, and, as regards such matters as staying proceedings, and preserving rights against sureties, has pointed out what the actual effect of sanctioning a scheme is. On these points it is sufficient to refer to *Re English, Scottish, and Australian Chartered Bank* (reported *ante*, p. 619, and observed upon *ante*, p. 626), which was affirmed in the Court of Appeal (see *ante*, pp. 643, 648), and to *Re London Chartered Bank of Australia* (*ante*, p. 670), which has already been discussed in these columns (*ante*, p. 663).

But, besides dealing generally with the principles guiding the court in considering schemes of arrangement under the Act of 1870, on the broad lines laid down by the Court of Appeal in *Re Alabama, New Orleans, Texas, and Pacific Junction Railway Co.* (1891, 1 Ch. 213), Mr. Justice VAUGHAN WILLIAMS has had to overcome the additional difficulties incident to schemes in connection with companies the shareholders and creditors of which are not only in this country but at the other side of the world. He has acted on the principle that where there is only one liquidation, every creditor, wherever residing, is entitled to be heard, personally or by proxy, at the meeting summoned by the court under section 2 of the Act of 1870 (see *Re English, Scottish, and Australian Chartered Bank*, *ubi supra*, and *Re Queensland National Bank*, *ante*, p. 632); but that this may not be the case where there are different liquidations of the same company in different countries (*Re Queensland National Bank*). In order to get proxy papers—or rather evidence of such papers having been given—from Australia, in time for the meetings here, it was necessary to employ the telegraph, and both the Winding-up Judge and the Lords Justices have shown their appreciation of modern scientific appliances by acting on telegrams as to meetings held and proxy papers given abroad when not to do so would have resulted in the schemes of which they approved being defeated (see *ante*, pp. 619, 643, 648). *Re English, Scottish, and Australian Chartered Bank* also contains several important judicial observations as to the production and stamping of proxy papers; but it is not the only recent case in which the subject of voting by proxy has come before the Winding-up Judge.

Everybody connected with the management of companies was startled by the decision in *Re Bidwell Brothers* (41 W. R. 363; 1893, 1 Ch. 603) that at a meeting of shareholders, where the articles allow voting by proxy, although no poll is demanded, the chairman, in counting votes, must count the vote of each person who has appointed a proxy, not according to the number of shares held by him, but as one vote. We have already published some observations on this case (*ante*, p. 279), and a writer on the practice says that "if this be good law, it entirely reverses past practice."

The further space remaining to us permits of reference only to the Winding-up Judge's decision as to what words in memoranda and articles of association are sufficient to authorize the giving of an oral charge on a company's assets (*Re Tilbury Portland Cement Co.*, *ante*, p. 683), to his remarks on auditors (*ante*, p. 182), to the decision of the Queen's Bench Division as to county court jurisdiction in winding up (*Re Ikley Hotel Co.*, 41

W. R. 639; 1893, 1 Q. B. 248), and to some recent orders of court and Board of Trade regulations as to matters of detail.

Some inconvenience—for which the system, and not the judge, has been to blame—has been occasioned by the learned judge's absences on circuit, or when engaged in dealing with bankruptcy business or election petitions. The profession have to thank Lord HERSHELL, the Bar Committee, and the Incorporated Law Society for the change by which, when Mr. Justice VAUGHAN WILLIAMS is on circuit, his seat in the winding-up court (and we hope in chambers) will be occupied by Mr. Justice WRIGHT.

## THE STATUTES OF FORCIBLE ENTRY AND THEIR EFFECT ON CIVIL RIGHTS.

### III.

THE case of *Newton v. Harland* (1 Man. & Gr. 644), as we showed last week, revealed a remarkable difference of opinion as to the effect for civil purposes of a possession taken forcibly under a right of entry. It is agreed that the mere right of entry is not affected by the Statutes of Forcible Entry, and accordingly the owner who has thus entered cannot be compelled in a civil action, either to restore possession to the person ejected, or to compensate him in damages for the loss of the possession. The divergence arises when we pass to the proposition that the possession thus securely obtained—impregnable against all civil remedies—is a possession to be treated in all civil actions as lawful. This view, acted upon by ALDERSON, B., and PARKER, B., at the assizes, and maintained by COLTMAN, J., against TINDAL, C.J., and BOBANQUET and ESKIN, JJ., on the second application for a new trial, was strongly re-asserted by the first two judges in *Harvey v. Brydges* (14 M. & W. 437). "I have still," said ALDERSON, B., "the misfortune to retain the opinion that I expressed in *Newton v. Harland*, although the majority of the Court of Common Pleas have held the contrary." And PARKER, B., laid down the law as follows:—"The next point was that raised in *Newton v. Harland*; and, if it were necessary to decide it, I should have no difficulty in saying that, where a breach of the peace is committed by a freeholder, who, in order to get into possession of his land, assaults a person wrongfully holding possession of it against his will, although the freeholder may be responsible to the public in the shape of an indictment for the forcible entry, he is not liable to the other party. I cannot see how it is possible to doubt that it is a perfectly good justification to say that the plaintiff was in possession of the land against the will of the defendant, who was owner, and that he entered upon it accordingly; even though in so doing a breach of the peace was committed." This was adopted in *Blades v. Higgs* (10 C. B. N. S. 713), and seems to have been approved of by Lord SELBORNE in *Lowe v. Telford* (1 App. Cas. p. 416), where he said: "And in *Harvey v. Brydges* it is pointed out that, so far as relates to the fact of possession and its legal consequences, it makes no difference whether it has been taken by the legal owner forcibly or not." But as to this dictum it is to be noticed that the point decided in *Newton v. Harland* was not then under consideration, and it was sufficient for Lord SELBORNE's purpose that the owner obtained a possession protected both by civil remedies and under the Statutes of Forcible Entry against subsequent aggression, without going further, and holding that his possession justified him in becoming an assailant and inflicting injury upon other persons, although, after his entry, they must be regarded as trespassers.

On the other hand, the decision of the majority of the Court of Common Pleas in *Newton v. Harland* has been several times followed. In *Pollen v. Brewer* (7 C. B. N. S. 371) the plaintiff was in possession of premises, and refused to quit. The defendant, under a right of entry, entered and forcibly expelled him and his family. A distinction was taken between the entry itself and the assault committed in the course of it, and it was held that the plaintiff was entitled to damages for the assault, though not for the ejectment. And in the two cases of *Beddall v. Maitland* (17 Ch. D. 174) and *Edwick v. Hawkes* (18 Ch. D. 199) FRY, J., was emphatically of the same opinion. In the former case, after saying in a passage we have already quoted (*ante*, p. 821) that no damages could be recovered either for the

entry or for the force used in the entry, he continued: "But, in respect of independent wrongful acts which are done in the course of or after the forcible entry, a right of action does arise, because the person doing them cannot allege that the acts were lawful, unless justified by a lawful entry; and he cannot plead that he has a lawful possession." Consequently he held that, while a person who had been forcibly evicted by the owner could not recover damages for the forcible entry and eviction, yet he could for injury done to his furniture. So in *Edwick v. Hawkes Fry, J.*, held that damages could be given for an independent wrong done to the plaintiff's wife in the course of a forcible entry on the plaintiff, though not for the forcible entry itself. He held also that a licence to enter and eject the tenant, and for that purpose to use all necessary force, was void as an authority to commit an offence punishable criminally under the statute of Rich. 2.

But the doctrine applied in these cases, that damages may be given for injury done in the course of the entry, rests altogether upon the hypothesis that the entry is in fact forcible. If the owner enters peaceably, and then, in the exercise of his rights as owner, does acts which cause injury to property improperly left upon the premises, this injury gives no cause of action. In *Jones v. Foley* (39 W. R. 510; 1891, 1 Q. B. 730) the plaintiff was tenant of a cottage, and on the expiration of his tenancy wrongfully refused to give up possession to the defendant. The latter, who was desirous of rebuilding the cottage, sent some workmen to remove the roof. In the course of such removal, which was effected without any personal violence, certain tiles and other portions of the roof unavoidably fell on the plaintiff's furniture in the room below and damaged it. It was held that, as there had been no forcible entry, there was no room for the application of the doctrine recognized in *Beddall v. Maitland* (*supra*).

Upon a review of the whole matter it would seem that the view taken by the majority of the Court of Common Pleas in *Newton v. Harland* is correct. It is true that the prohibition of forcible entry under the statutes does not interfere with the civil right of entry, and, even although this is exercised forcibly, yet in a civil action neither can damages be given nor possession restored. But this is perfectly intelligible. No damages are given because no right of the possessor has been violated. His possession gives him a right as against strangers, but it gives him none against the owner. And, the law affording no action merely possessory, such as the interdict *unde vi* of the Roman law, the prohibition of violence by the statutes does not have the effect of supplying the omission. The possessor without title who has been forcibly ejected can, if he chooses, go to the justices for restitution under the statutes; but the civil law, finding the owner actually in possession, leaves him there in spite of the means by which he has entered, and does not, by removing him, drive him to his action of ejectment. This would simply have the result of prolonging the dispute.

But while the civil law refuses to introduce, merely in deference to the criminal law, a new action for recovering possession against the true owner, there appears to be no good reason why it should refuse to recognize the statutory prohibition of violence altogether. It is perhaps simpler to hold with the dissentient judges in *Newton v. Harland* that, since the right of entry is not affected by the statutes, a possession taken under it is lawful for all civil purposes; at the same time, so soon as the distinction is pointed out between the entry itself and independent wrongs committed in the course of the entry, it commends itself as reasonable. The wrongful possessor has no remedy in respect of the exercise of the right of entry, because he has no civil right of possession, and the statutes are not allowed to confer such right upon him. But when he complains of the assault on himself or the damage to his goods he complains of what is *prima facie* a violation of his rights, and all that the law does is to prevent his opponent from setting up a plea of justification alleging lawful possession. The civil law does not carry its deference to the criminal law so far as to institute in favour of a wrongful possessor forcibly evicted by the owner a new form of action, but it is quite consistent with this that the civil law should so far defer to and assist the criminal law as to prevent the owner from setting up by way of defence a possession gained in defiance of the criminal

law. The distinction is a clear one, and appears to be justifiable, notwithstanding the fact that it dates no further back than *Newton v. Harland*, and even there perhaps was not very clearly perceived (see Pollock on Torts, 3rd ed., p. 338).

## A READING OF THE NEW STATUTES.

### CUSTOMS AND INLAND REVENUE ACT, 1893 (56 VICT. c. 7).

Section 3 of this Act raises from sixpence to one shilling the stamp duty on a contract note, as defined by section 52 of the Stamp Act, 1891, in cases where the note relates to the sale or purchase of any stock or marketable security of the value of £100 and upwards. According to the definition a "contract note" is "the note sent by a broker or agent to his principal (except where such principal is acting as broker or agent for a principal) advising him of the sale or purchase of any stock or marketable security." The duty of a shilling is to be denoted by an adhesive stamp appropriated to a contract note, and the provision is inserted that it may be added to the charge for brokerage or agency. Where the note relates to stock of any value from £5 to £100 the duty remains at one penny, to be denoted by an adhesive stamp. Section 4 gets rid of the annual duties imposed by the Stamp Act, 1891, in respect of marketable securities transferable by delivery and foreign or colonial share certificates. As to marketable securities transferable by delivery the duty has been payable on the occasion of the first transfer by delivery in the United Kingdom, and on the first transfer by delivery in any subsequent year; as to foreign and colonial share certificates, it has been payable on the first delivery in the United Kingdom and on the first delivery in each subsequent year. These duties have been found troublesome in practice, and brokers will welcome their removal.

### VOLUNTARY CONVEYANCES ACT, 1893 (56 & 57 VICT. c. 21).

This Act at length gets rid of the construction of 27 Eliz. c. 4, so obviously wrong and yet so firmly established, by which a voluntary conveyance is at once turned into a fraudulent conveyance by a subsequent conveyance for value. The statute of Elizabeth provides that every conveyance of lands for the purpose of defrauding such persons as shall purchase the same shall be against such persons and their successors in title be utterly void. As was pointed out by Lord Mansfield in *Doe v. Routledge* (2 Cowp. 710), there is not a word that impeaches voluntary settlements, merely as voluntary settlements, but only as fraudulent and covinous. And yet the statute, by a long course of decisions, has been made an engine against voluntary settlements as such, on the palpably absurd ground that the very execution of a subsequent conveyance sufficiently evinces the fraudulent intent of the former one. In *Evelyn v. Templar* (2 Bro. C. C. 148) Lord Thurlow, C., said the law was thus settled, and so many estates stood upon it, it could not be shaken. In *Doe v. Manning* (9 East, 59) Lord Mansfield felt compelled to take the same view, and, referring to the authorities, he said, "If the adhering to such determinations is likely to be attended with inconvenience, it is matter fit to be remedied by the Legislature." That was in 1807, and it is only now that the Legislature has intervened. The present Act provides that no voluntary conveyance of any lands, whether made before or after the passing of the Act, if in fact made *bona fide* and without any fraudulent intent, is to be deemed fraudulent or covinous within the meaning of 27 Eliz. c. 4, by reason of any subsequent purchase for value, or be defeated by a conveyance made upon any such purchase (section 2). Section 3 contains a saving for cases where the voluntary settlor has disposed of or dealt with the lands for value before the passing of the Act.

### APPEAL (FORMA PAUPERIS) ACT, 1893 (56 & 57 VICT. c. 22).

This Act places an important and much-needed restriction on the right of appeal to the House of Lords in *forma pauperis*. It enacts that where in an appeal to the House of Lords a petition is presented for leave to sue in *forma pauperis*, and the House on the report of its appeal committee determines that there is no *prima facie* case for the appeal, the prayer of the petition may be refused.

Mr. Justice Grantham will go on the Northern Circuit at the ensuing autumn assizes with Mr. Justice Day in place of Mr. Justice Wright, who will remain in town.

Mr. Frederick William Hollams, barrister-at-law, was out shooting with a party in Sussex on the 19th inst., when he was accidentally shot, and it is feared that he will lose the sight of one eye. [We were glad to learn on Thursday that Mr. Hollams was going on well, and that his return to business might be hoped for in the course of five or six weeks.]



## REVIEWS.

## BOOKS RECEIVED.

The Annual Practice, 1894; being a Collection of the Statutes, Orders, and Rules relating to the General Practice, Procedure, and Jurisdiction of the Supreme Court, with Notes, Forms, &c. By THOMAS SNOW, M.A., Barrister-at-Law; CHARLES BURNETT, B.A., a Chief Clerk of Mr. Justice Chitty; and FRANCIS A. STRINGER, of the Central Office, Royal Courts of Justice. In Two Volumes. Sweet & Maxwell (Limited); Stevens & Sons (Limited).

The Technology of Law: a Condensum of Maxims, Leading Cases, and Elements of Law; Leading Questions and Propositions of the Law adjusted to its Technics. By WM. T. HUGHES, LL.B., of the Colorado Bar. Stevens & Sons (Limited).

A Treatise on the Law of Partnership. By the Right Hon. Sir NATHANIEL LINDLEY, Knt., Hon. LL.D. Sixth Edition. By WALTER B. LINDLEY, M.A., Barrister-at-Law. With an Appendix on the Law of Scotland. By J. CAMPBELL LORIMER, LL.B., Esq., Advocate. Sweet & Maxwell (Limited).

Sweet & Maxwell's Diary for Lawyers for 1894. Edited by FRANCIS A. STRINGER, of the Central Office, Royal Courts of Justice. Sweet & Maxwell (Limited).

## CORRESPONDENCE.

## THE SETTLED LAND ACTS.

[To the Editor of the Solicitors' Journal.]

Sir,—Can you or any of your correspondents inform me whether the following point has ever been raised, and, if so, what is the proper course to take:—

A tenant for life having the power of leasing, &c., under the Settled Land Acts, mortgages his life estate, and the mortgagee subsequently forecloses, the tenant for life thereby losing all interest in the property, the mortgagee being now in the position of an assignee, and the only person beneficially interested in the life estate, calls upon the tenant for life to execute a lease for twenty-one years proper in all respects and complying with all the requirements of the Settled Land Acts; the tenant for life refuses to do so. Can he be compelled to execute the lease, and, if so, how? SUBSCRIBER.

[See observations under head of "Current Topics."—ED. S. J.]

## LAND TRANSFER.

[To the Editor of the Solicitors' Journal.]

Sir,—I send you herewith an extract from a book published in London so long ago as 1678, and a copy of which I lately met with in one of the free libraries of this city.

If the journeys to the Registry now proposed to be established be likely to prove less arduous to-day than they were two hundred years ago, it does not appear, judging from Mr. Howlett's experience, that it will be practicable altogether to dispense with them. The edifice which must be erected to carry on the work cannot fail to be "monstrous," and it is much to be feared that there will have to be a great deal of attendance not only upon "Mr. Register's" leisure, but also upon his clerks, and that there will be great temptation on the one hand to make, and on the other to seek, some "Present for Expedition."

It appears to my mind to be patent that compulsory registration can only add to the cost, and increase the delays which the community seeks to diminish and avoid. The prospective loss to the profession is very serious; but it is much more important to prove to the public that loss will fall upon it than upon the profession, and as this can be proved, it ought to be done as widely as possible.

The title of the book from which I send you the extract is as follows:—"Reasons against a Registry of Lands, &c., shewing briefly the Great Disadvantages, Charges, and Inconveniences that may accrue to the whole Nature in general, thereby much over-balancing the particular Advantages that are imagined to arise therefrom. In answer to a late Book, entitled Reasons for a Registry with some Reasons for a Registry of Personal Contracts. Humbly offered to consideration. London: Printed for C. Wilkinson and T. Burrell at their shops in Fleet-street, 1678."

W. HOWARD GOULTY.

63, Brown-street, Manchester, Oct. 25.

[The following is the extract referred to:—

"Then should the builder of this monstrous edifice have added that the registry should be kept in some central place or shire town of the county where the lands lye that are concerned with such incumbrances. And that the register be a person of repute and estate and always present, and this would make the registry go down sweetly, like Amesbury Loches alive in a glass of wine; but the effects

are like to be more dangerous, for methinks I already see a registry placed at East Grinstead for Sussex, another at Winchester for Hampshire, and another at Salisbury for Wiltshire; and the poor old men and old women riding from Harting to East Grinstead in Sussex, near forty miles through the deep clay, after the rate of ten miles a day, with their attorney or solicitor with them, at about forty shillings expence per day, to register a mortgage for thirty or forty pounds which the poor borrower had occasion to take up of the lender to place out his young son apprentice, or to marry his daughter; and when they come there they must attend Mr. Register's leisure to search for former incumbrances and to make entry of their present mortgage; it may be the register may not be well, or not at home, or, being a great person, not at leisure, *non vacat exiguis*, &c. But when it is done, away jogs home the joyful mortgagor, for that it cost him but twelve or fourteen pound out of his forty pound and the mortgagor glad that no other mortgage preceded him in the registry, not regarding the cold dirty December or January journey of the poor old knave that borrowed the money. In a few days after comes the two old fathers with their son and daughter, and the intended trustees out of Isle of Wight towards Winchester in the blustering weather (enough to cool the desires of the most ardent lovers) for the father of the daughter will not part with her portion until he hath searched the registry for incumbrances on the father of the son's estate, and that settlement must be there also entered, and here must be some present made for expedition, there being about forty to be registered before this settlement, and our clients in haste to be gone, fearing the turn of the wind, and unwilling to protract so good a work as they are about; then it must be they lye wind bound at Southampton four or five days ere they can return where perhaps these poor old men had lived from their nativity, and now to the hazard of their lives must be drawn so remote in such weather for the convenience of a registry."]

## COUNTY COURTS.

[To the Editor of the Solicitors' Journal.]

Sir,—Referring to the paragraph from the *Standard* reproduced in your issue of the 14th inst., will you permit me to point out the inconvenient results of the rearrangement of some county courts there mentioned.

I venture to think the Lord Chancellor, when making such rearrangement, was not made acquainted with all the circumstances, and I doubt whether his lordship himself initiated the change.

The theory underlying the change was that some of the county court judges did not work their full time. Whatever may be the case with some judges, I do not think it was so with the judges of the two South London circuits, viz., Southwark and Wandsworth, and Lambeth, Greenwich, and Woolwich.

The business which fell to the two judges of these courts, Mr. Holroyd and Mr. Bristowe, kept them sitting on various occasions till five and even six o'clock in the afternoon; and whilst the number of days each judge sat was four days in each week, one judge had to travel to Wandsworth once a week, and the other to Greenwich once a week and to Woolwich once a week.

I cannot but think that the late hours to which the judges set ought to have been taken into consideration when calculating the amount of their work. The number of hours in each week would not be much, if any, less than those of the judges of the High Court. But assuming that a change was desirable (and I should certainly not take upon myself to dispute the proposal), I venture to think that the change now made is a very unfortunate one.

It is this: The West Kent Circuit consisted of eight courts—viz., Tunbridge, Tunbridge Wells, Sevenoaks, Bromley, Gravesend, Dartford, Maidstone, and Rochester. Rochester is taken off this circuit and put on to the East Kent Circuit, and Lambeth is put to the West Kent Circuit in its place.

The judge of this large circuit lives at Tunbridge and is reported to be seventy-two years of age.

The business of the Lambeth Court has required two days a week with an occasional special court, and on most days the work has kept the judge till 5 o'clock, sometimes even later.

It may fairly be asked, How can any gentleman do the work of so many courts so widely separated and involving so much travelling with satisfaction to himself, the suitors, and the advocates? And the question assumes considerable force in the case of a gentleman seventy-two years of age.

Again, an important London court is tacked on to a circuit the judge of which lives at Tunbridge and has seven other courts to attend to over a wide area. This is a serious objection in reference to urgent matters. The inconvenience, trouble, and expense involved to a suitor, say at Dulwich or Norwood, having to travel to Tunbridge late in the afternoon so as to find the judge at home after getting back from some other court, would be considerable. It is true this would not happen every week; but why should it be made to happen at all in reference to such a court as Lambeth, when it might have been so easily avoided?

Again, the Lambeth Court is not on the line of railway from Tunbridge. The judge, while living there, must travel to London Bridge or Charing Cross, twenty minutes ride by cab from the court. The judge will not be human if he does not fail to sit at 10 o'clock as has been the custom, and does not fail to get through the day's list somehow early enough to enable him to get home at a reasonable time. This must result in heavy arrears and consequent grave dissatisfaction.

How might this be avoided? By uniting Greenwich and Woolwich to the West Kent Circuit and by joining Lambeth and Southwark. Greenwich and Woolwich are on the same line of railway as Gravesend and Dartford, and each court only requires one day a week. Southwark has a court three days a week and Lambeth two days. These two courts require between them five days—and sometimes long days—and one judge could do the work of both courts very well, and would be easily accessible at one court or the other for urgent matters.

Both judges have felt obliged to alter the court days to make them fit with non-metropolitan courts. Mr. Bristowe at Southwark has altered his days to Monday, Tuesday, and Friday (instead of Monday, Thursday, and Friday, as formerly), and Mr. Cox has altered the Lambeth days to Monday and Tuesday (instead of Tuesday and Thursday as hitherto). Thus, as both these courts are now to sit on the same two days, parties having business at the one cannot attend at the other. Another unfortunate circumstance exists at Lambeth. Some time after the County Courts Act, 1888, was passed the registrar's partner was appointed a co-registrar with the registrar, so that there are two registrars to this court, but neither gentleman ever attends at the court except on court days. Suitors requiring the registrar's leave to issue process have had hitherto to wait until a court day—from Wednesday morning to Thursday or from Friday morning to Tuesday morning—but now they will have to wait from Wednesday morning until the next Monday morning. The alternative is that the parties have to go to the registrars' office in the City, about two and a half miles from the court. Hitherto the longest delay has been over Friday, Saturday (a short day), and Monday. Now it will be four days.

The inconvenience resulting from the new arrangement seems to affect everybody all round, and only makes matters worse instead of better.

Is it too late for the Lord Chancellor to reconsider the matter and to consider the suggestion of uniting Lambeth and Southwark into one circuit, and also requiring the registrars to give a daily attendance at court in the interest of the general public? NEMO.

October 19.

## CASES OF THE WEEK.

### Court of Appeal.

**SIMMONDS v. HEATH**—C. A. No. 1, 24th October.

**TITHE—EXTRAORDINARY TITHE RENT-CHARGE—COMMUTATION—PART OF FARM CONTAINING HOP-GROUNDS—SALE OF FARM IN PARTS—LIABILITY OF PART CONTAINING NO HOP-GROUNDS TO CONTRIBUTE TO EXTRAORDINARY RENT-CHARGE—EXTRAORDINARY TITHE REDEMPTION ACT, 1886 (49 & 50 VICT. c. 54).**

Action to recover £3 6s. 4d. as the defendant's contribution towards the payment of extraordinary tithe rent-charge. It appeared that at the date of the passing of the Extraordinary Tithe Redemption Act, 1886, one Alden was the owner and occupier of a farm, called Boxall's Farm, consisting of 107 acres. Fifteen acres of this farm were cultivated as hop-grounds. After the passing of the Act Alden sold the farm in three parts, viz., eighty-eight and a half acres, which contained the hop-grounds, to the plaintiff, thirteen and a half acres to the defendant, and five acres to a third person. On the 20th of March, 1889, after the farm had been sold and conveyed to the purchasers, the Land Commissioners gave their certificate under the Act, fixing the capital value of the extraordinary charge at £157, and the annual rent-charge (being, under section 4 of the Act, four per cent. upon the capital value) at £6 5s. 7d. In the schedule to the certificate the commissioners described the farm as "Boxall's Farm," the plaintiff and defendant as the owners, and the area as eighty-eight and a half acres against the plaintiff's name and thirteen and a half acres against the defendant's name, and placed the capital value of the charge and the annual rent-charge against the whole area. The plaintiff paid the titheowner the whole of the rent-charge from 1889 to 1892, when he brought this action in the Farnham County Court to recover £3 6s. 4d. as the defendant's contribution for those years in respect of his thirteen and a half acres. The county court judge and the Divisional Court held that the remedy was not by action, but by an application to justices under 5 & 6 Vict. c. 54, s. 16, to apportion the amounts payable by each. The plaintiff by leave appealed.

THE COURT (LORD Esher, M.R., and LOPES and KAY, L.J.J.) dismissed the appeal, though upon different grounds.

LORD ESHER, M.R., said that there were no hop-grounds in the defendant's thirteen and a half acres. Could the defendants have been made by any process of law whatever to pay any part of the extraordinary tithe

rent-charge? If not, the plaintiff could not recover as having paid something for the defendants which the latter was compellable to pay. At the time of the passing of the Extraordinary Tithe Redemption Act, 1886, Boxall's Farm was in the occupation of one man. The preamble of the Act, which accurately stated the then existing law, recited that by certain Acts power was given to impose an extraordinary charge on hop-grounds, orchards, fruit plantations, and market gardens. Therefore there was this extraordinary charge imposed upon the hop-grounds in Boxall's Farm. It might be that, upon non-payment of the charge, a distress might be levied upon the other parts of the farm. But a legislative power of distress, when the land was in the hands of the same person, did not confer a charge upon the other parts of the land. The owner then sold the farm in portions, the part sold to the defendant having no extraordinary charge imposed upon it. The titheowner could not distrain upon it for the extraordinary charge, as the legislative power of distress upon the other portions of the farm only applied when they were in the hands of the same person as the hop-grounds. Therefore the defendant's land had no extraordinary charge upon it, and there was no power of distress as against him, and the Land Commissioners had, under the Act of 1886, no power to impose such a charge. The commissioners could only make such a charge in respect of lands liable to pay the former extraordinary tithe rent-charge. The defendant, therefore, could not by any process be made to pay any part of this extraordinary charge, and the plaintiff could not recover in any way.

LOPES and KAY, L.J.J., concurred.—COUNSEL, *Dalry*; Cecil Chapman, Solicitors, R. White, for Potter & Crundwell, Farnham; W. M. Willocks, for Ernest Jackson, Farnham.

[Reported by W. F. HARRY, Barrister-at-Law.]

## High Court—Chancery Division.

**Re PURSELL AND DEAKIN'S CONTRACT**—Chitty, J., 25th October.

**VENDOR AND PURCHASER—CONTRACT TO GRANT A LEASE AND DELIVER ABSTRACT OF TITLE—RIGHT OF LESSEE TO COVENANT FOR PRODUCTION OF ABSTRACTED DEEDS—VENDOR AND PURCHASER ACT, 1874 (37 & 38 VICT. c. 78), s. 2**

Vendor and purchaser summons. An agreement by a freeholder to grant a lease for eighty years at a rent of £1,750 contained a stipulation that the lessor should, within twenty-one days after the signing of the agreement, deliver to the lessee an abstract of his title to grant such lease, the abstract to commence at a date at least twenty-four years back. It was also agreed that the lease should contain the covenants and be in the form of the draft lease in the schedule. Such draft lease contained no acknowledgment or covenant for production of deeds. The lessee required a covenant for production of the abstracted deeds, all but one of which were in the hands of a mortgagee, and on the lessor's refusal to give such covenant the above summons was taken out. By an agreement between the lessor and mortgagee the mortgagee's concurrence in leases was dispensed with. Counsel for the lessee contended that the provisions of section 2 of the Vendor and Purchaser Act, 1874, were excluded by the agreement to deliver an abstract. As to the form of lease in the schedule, the covenant would be in a separate deed. Counsel for the lessor contended that the above agreement gave no right to the lessee to see the deeds himself, much less a right to a covenant for production. They also relied on the form in the schedule.

CHITTY, J., said there was not much substance in the point, but the parties were entitled to have it decided. The sole point was whether the 2nd section of the Vendor and Purchaser Act, 1874, was excluded by the contract. This section provided, *inter alia*, that subject to any stipulation to the contrary in the contract to grant a lease an intended lessee should not be entitled to call for the title to the freehold. It was contended that the requisition was disposed of by the fact that the form in the schedule contained no covenant for production, but that argument could not be maintained, as such a covenant was often contained in a separate instrument. It was argued by the lessor that a piece of paper should be delivered and nothing more, but the true meaning of the agreement to deliver an abstract was that the lessee was entitled to see the deeds himself, and had also the right to say to the lessor, "You must put me in a position to shew these deeds to my assigns in proof of my own title." If the Act of 1874 was excluded the lessee was right in his contention, and his lordship thought the above clause was sufficient to exclude it. Probably the mortgagee would give an acknowledgment as to the deeds in his possession, otherwise the lessor must covenant for the production of all the deeds.—COUNSEL, *Levett*, Q.C., and *Method*; *Farnwell*, Q.C., and *Hatfield Green*. SOLICITORS, *Clarkson, Greenwells, & Co.*; *V. I. Chambers*.

[Reported by G. BOWLAND ALSTON, Barrister-at-Law.]

## Winding-up Cases.

**BRITISH LINEN CO. v. SOUTH AMERICAN AND MEXICAN CO.**—Vaughan Williams, J., 25th October.

**COMPANY—WINDING UP—PRACTICE—APPOINTMENT OF RECEIVER FOR DEBENTURE-HOLDERS—RIGHTS OF DEBENTURE-HOLDERS AS MORTGAGEES—LIQUIDATOR—OFFICIAL RECEIVER.**

This was a motion in a debenture-holders' action on behalf of the official receiver and provisional liquidator of the defendant company that an order made on the 2nd of August, 1893, appointing a receiver and



manager on behalf of the debenture-holders might be discharged, the provisional liquidator undertaking, if so required by the court, to keep a separate account on behalf of the debenture-holders of the company of any assets received by him as such provisional liquidator, or that the provisional liquidator might be appointed receiver and manager or receiver in this action in place of or jointly with the receiver and manager appointed by the said order, or that the receiver and manager appointed by the said order might be directed not to take any proceedings to enforce the call of £5 per share referred to in a circular letter of the 1st of August, 1893, sent out by his solicitors to the shareholders of the company. The petition was presented for compulsory winding up on the 24th of July, 1893, and the writ issued in the debenture-holders' action on the 26th of July. A winding-up order was made on the 2nd of August, and on the same date an order was made appointing a receiver and manager in the debenture-holders' action. The debenture-holders' security comprised the uncalled capital. There was uncalled capital to a very considerable amount, and there was also capital which had been called up and had not been got in. The assets were, therefore, more than sufficient to pay the debenture-holders. The questions were, first, whether the rule laid down by Giffard, L.J., in *Perry v. Oriental Hotels Co.* (18 W. R. 779, L. R. 5 Ch. App. 420), that *prima facie* the liquidator should act as receiver rather than the receiver appointed in the debenture-holders' action, had been altered by subsequent decisions, and, secondly, if there was such a *prima facie* rule, the circumstances of the present case did or did not justify a departure from it.

VAUGHAN WILLIAMS, J., said that he had arrived at the conclusion that he ought to make the order asked for by the notice of motion, and that he ought to grant the motion in so far as it asked for the discharge of the order appointing the receiver, and for the appointment of the official receiver as receiver in the debenture-holders' action on the terms of his keeping a separate account. He had had his attention called to all the authorities bearing on the question, and he was not at all sure that the rule of practice laid down by those authorities was quite uniform. The rule was, however, merely a rule of practice. There were some matters as to which the decisions appeared absolutely uniform. In the first place, it was established by the authorities that the court ought not by reason of the existence of a liquidation in any way to interfere with the rights of mortgagees or debenture-holders, except so far as it was essential to do complete justice between all parties interested. *Prima facie*, the mortgagees had a right to ask the court to appoint their nominee, but it had been decided as early as *Perry v. Oriental Hotels Co.*, by Giffard, L.J., that the consequence of a liquidation is that there will be duties to be performed by the liquidator and by the receiver, who will be identical, and the court therefore, if nothing more appeared, would generally appoint the liquidator to perform those duties, the reason being that if both the liquidator and the receiver appointed by the mortgagees were continued there would be double expense and unnecessary conflict; whereas, *prima facie*, the liquidator, being an officer of the court, would be able to do, and would in fact do, justice between all parties, and would protect both secured and unsecured creditors. That rule he understood had been affirmed by Lindley, L.J., in *Re Joshua Stubbs (Limited)* (39 W. R. 617; 1891, 1 Ch. 475) as still in existence, and that Lindley, L.J., affirmed *Perry v. Oriental Hotels Co.* and *Tottenham v. Swansea Zinc Ore Co.* (32 W. R. 716). In his judgment, those cases laid down the rule that if you have got a debenture-holders' action and a liquidation, that in such a case (at all events, if the liquidation was compulsory) the court would, if nothing else appeared, appoint the liquidator or official receiver in order to prevent two liquidations. It had been said that the case of *Re Joshua Stubbs (Limited)* had been qualified by the case of *Strong v. Carlyle Press (Limited)* (41 W. R. 404; 1893, 1 Ch. 268). He agreed that there were observations which, if pressed to an extreme, might seem somewhat to affect the rule as laid down, but he did not think that the Court of Appeal meant in the slightest degree to qualify *Re Joshua Stubbs (Limited)*, which had been cited to and discussed before them. The Court of Appeal in *Strong v. Carlyle Press (Limited)* were dealing with the case before them, which was one where the assets were insufficient by a substantial amount to cover the debt due to the debenture-holders, and all the Court of Appeal said was that, the mortgagees being the only persons interested, they had the right to realize the property the subject-matter of their mortgage, but the court did not intend to depart from the rule laid down in *Perry v. Oriental Hotels Co.*, and affirmed in *Re Joshua Stubbs (Limited)*. The principle had been relied on in several decided cases—viz., *Tottenham v. Swansea Zinc Ore Co.* and *Bartlett v. Northumberland-avenue Hotels Co.* (53 L. T. Rep. N. S. 611, 34 W. R. Dig. 36). The rule was one which might very easily be displaced if a proper reason was shown for doing so. In the present case he was not satisfied that the assets were of such a nature that they could better be realized by an accountant than by the official receiver and liquidator, though his lordship's experience during the last twelve months had taught him that the official receiver was not the most appropriate and fitting person to act in realizing the assets in cases where there was a business to be carried on or such transactions as buying or selling or borrowing money and the like. In these cases the official receiver's intervention was not so desirable as that of a commercial liquidator. His lordship said that the facts in the present case did not justify him in departing from the rule laid down by Giffard, L.J. He accordingly discharged the order appointing the debenture-holders' nominee, and appointed the official receiver and liquidator to be special manager, but stayed the operation of the order for a week, to give an opportunity to the respondents to appeal.—COUNSELL, Everitt, Q.C., and Howard Wright; Moulton, Q.C., and Elgood; Kirby. SOLICITORS, Freshfields & Williams; W. A. Crump & Son; Ashurst, Morris, Crisp, & Co.

[Reported by V. DE S. FOWKE, Barrister-at-Law.]

## High Court—Queen's Bench Division.

REG. v. MASTER MANLEY SMITH—25th October.

ARBITRATION—LANDS CLAUSES CONSOLIDATION ACT, 1845—DEATH OF UMPIRE BEFORE TAKING REFERENCE—APPOINTMENT OF SOLE ARBITRATOR IN PLACE OF DECEASED—COSTS OF FIRST APPOINTMENT.

In this case a rule nisi had been obtained by a Mr. Carr calling upon Master Manley Smith to shew cause why a *mandamus* should not issue commanding him to tax the costs of an arbitration between Mr. Carr and the Great Western Railway Co., arising out of a compulsory purchase by the company of land belonging to Mr. Carr at Cardiff. The case came before the court under the following circumstances:—In April, 1891, the company gave notice of their intention to purchase Mr. Carr's land. The price not having been agreed upon, the parties each appointed an arbitrator, and the two arbitrators appointed a Mr. Beadel to be umpire. Mr. Beadel died before having taken the reference, and without having made any award. Negotiations then took place as to the appointment of a new umpire, and it was eventually agreed that a Mr. Wilkinson should be appointed as a sole arbitrator. Mr. Wilkinson duly made his award, and as the sum awarded was more than that originally offered by the company, Mr. Carr became entitled to be paid his costs by the company. On the taxation of his bill of costs the taxing master refused to allow any costs incurred before the appointment of Mr. Wilkinson as sole arbitrator, that is to say, he disallowed all the costs relative to the appointment of the two arbitrators and the umpire Mr. Beadel, and also the costs of the negotiations which resulted in the appointment of Mr. Wilkinson. Mr. Carr obtained this rule nisi, which now came on for argument.

THE COURT (CHARLES and WRIGHT, JJ.) made the rule absolute. CHARLES, J., said that a rule had been obtained directed to the taxing master calling upon him to shew cause why a *mandamus* should not issue to him to hear an application to tax a bill of costs. His lordship stated the facts, and said that the question for decision was whether Mr. Carr was entitled to be paid the costs which had been incurred by him prior to the appointment of Mr. Wilkinson. Section 34 of the Lands Clauses Consolidation Act, 1845, dealt with the payment of costs of arbitrations under that Act. That section was as follows:—"All the costs of any such arbitration and incident thereto, to be settled by the arbitrators, shall be borne by the promoters of the undertaking, unless the arbitrators shall award the same or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions." What, then, was the meaning of "such arbitration" in the section? The railway company contended that the arbitration commenced with the appointment of Mr. Wilkinson, while the other side said that the words referred to the whole costs from the initiation of the proceedings by arbitration. His lordship was of opinion that the appointment of Mr. Wilkinson was not the beginning of a new arbitration, but that the original arbitration was still in existence, and that the parties did not agree to consider it as abortive, but had adopted the method of agreeing upon a single arbitrator as provided by section 35, as a means of continuing the arbitration. Therefore the statutory arbitration originally entered upon remained, and Mr. Wilkinson's appointment was but a continuation of it, and Mr. Carr was entitled to the costs from the commencement.

WRIGHT, J., concurred. Rule absolute.—COUNSELL, Cripps, Q.C., and A. T. Lawrence; Jelf, Q.C., and Pollard. SOLICITORS, R. R. Nelson; Riddell, Veisoy, & Smith, for Morgan & Scott, Cardiff.

[Reported by F. O. ROBINSON, Barrister-at-Law.]

HADDOW v. MORTON (TROUT, Claimant)—25th and 26th October.

INTERPLEADER—ISSUE DECIDED IN FAVOUR OF EXECUTION CREDITOR—SAME GOODS SEIZED AGAIN BY EXECUTION CREDITOR FOR BALANCE OF HIS DEBT AND AGAIN CLAIMED BY THE SAME CLAIMANT—COUNTY COURTS ACT, 1888, s. 156.

This was an appeal of the claimant in an interpleader action from the judgment of his Honour Judge Holroyd at the Wandsworth County Court. Haddow, the execution creditor, having recovered judgment against Morton for £28 and costs issued execution against him, and the bailiff seized certain goods which were on the execution debtor's premises. The goods were claimed by Trout, who resided in the same house as the execution debtor, and the value of the goods having been assessed by the bailiff at £25, that sum was paid into court by the claimant to abide the result of the interpleader issue, as provided by section 156 of the County Courts Act, 1888, and the bailiff went out of possession and left the goods on the premises. On the trial of the interpleader issue the judge held that the goods were the property of the judgment debtor, and not of the claimant, and the £25 in court was paid to the execution creditor. The execution creditor's debt was not fully satisfied by payment of the £25, there being still about £30 due to him, and he accordingly caused the same goods to be again seized for the balance of the unsatisfied execution. The same claimant again claimed the goods, and deposited a further sum of £25 with the bailiff, and a fresh interpleader issue was directed to be tried. On the trial of this issue the judge decided that the goods having been adjudged in the first interpleader action to be the property of the execution debtor, no title to them had been acquired by the claimant by any subsequent act, and he therefore gave judgment against the claimant and ordered the £25 in court to be paid to the execution creditor. From this judgment the claimant appealed.

THE COURT (CHARLES and WRIGHT, JJ.) allowed the appeal. CHARLES, J., said that the county court judge had decided, and he

agreed with him, that the first payment into court did not give the claimant any title to the goods. Section 156 of the County Courts Act, 1888, did not say that it did, and so far the county court judge was right. But his lordship differed from the ultimate conclusion at which the county court judge had arrived, being of opinion that the execution creditor could not be allowed to receive the second £25 which had been paid into court. The case which the county court judge presented to them found that the amount of the first deposit had been paid over to the execution creditor, but the amount of the deposit was the value of the goods, and having received the whole value of the goods, the execution creditor could not exact it again and was estopped from claiming the second £25.

WRIGHT, J., concurred, and said that the execution creditor took the goods in execution as goods of the debtor. The goods were claimed and an interpleader issue directed. Under the Act the goods might have been sold and the proceeds of the sale would have been paid into court to abide the decision of the judge. In that case the execution creditor could not have been paid twice over. The claimant had elected to deposit the value of the goods. The interpleader issue having resulted in favour of the execution creditor he might possibly have taken the goods if he pleased; but, however, that might be, he certainly could not have got both the goods and the money. His lordship agreed that the claimant did not acquire any property in the goods by depositing their value with the bailiff, but he was of opinion that the execution creditor by taking and adhering to the money deposited by the claimant had elected as against the claimant to take the goods in the form of money, and was debarred from denying that as against him (the execution creditor) the claimant was now the owner of the goods, and the execution creditor was therefore debarred from retaking the goods in execution. Appeal allowed. Leave to appeal.—COUNSEL, *Lauson Walton, Q.C.*, and *Horace Brown*; *Cher. Solicitors, A. K. & H. Doyle*; *H. Jones*.

[Reported by F. O. ROBINSON, Barrister-at-Law.]

### Solicitors' Cases.

*Re SEAL, Ex parte CRICKITT*—C. A. No. 2, 24th October.

SOLICITOR—COSTS—TAXATION—COUNSEL'S FEES—PAYMENT BY CLIENT—CLIENT HIMSELF A SOLICITOR.

Appeal from the order of Chitty, J., dismissing a summons taken out by Crickitt to review the taxation of Seal's bill of costs (see the report, 37 SOLICITORS' JOURNAL, 685). Objection was taken to the allowance of four items in the bill of costs, consisting of fees to counsel, and amounting to £12 6s. There fees had been incurred on a motion for the committal of Crickitt, who was himself a solicitor, and was acting as such for a Miss Patrick in an action (*Re Patrick*) in the Queen's Bench Division, and the motion for committal had been made in that action. Seal had acted as agent for Crickitt in the action of *Re Patrick* and also on the motion to commit. The fees in question had been paid to counsel by cheques drawn by Crickitt himself. Seal had included these fees in his bill of costs against Crickitt, but had credited Crickitt with their payment, with the exception of one item amounting to £4 9s. The main object of the summons to review was to throw upon Seal the costs of taxation by reducing the total of his bill when taxed. Chitty, J., dismissed the summons, and Crickitt now appealed; it was contended on his behalf that, as the fees in question were in fact paid by Crickitt, and as Crickitt's name was on the briefs in respect of which the fees were incurred, Seal was not entitled to enter the fees in his bill of costs at all. It appeared, however, that the briefs had been delivered to counsel by a clerk of Seal.

THE COURT (LINDLEY, A. L. SMITH, and DAVEY, L.JJ.) dismissed the appeal without calling on the respondent.

LINDLEY, L.J., said that the court always discouraged appeals on matters of taxation, unless they involved some question of principle. The present appeal was a trumpety matter involving no question of principle at all; it was merely a question depending on minute details of fact, whether Seal was or was not acting as solicitor for Crickitt in the matter in which these fees had become payable. The court would not interfere in such a case.

A. L. SMITH, L.J., concurred.

DAVEY, L.J., said that it was very important to adhere to the rule that questions not involving any matter of principle should not be entertained in appeals from the taxing office. His lordship would not express any opinion as to whether the taxing master was right or wrong in his view of the facts.—COUNSEL, *Byrne, Q.C.*, and *Ashton Cross*; *Farrell, Q.C.*, and *Butcher*. SOLICITORS, *Seal*; *G. B. Crook*.

[Reported by M. J. BLAKE, Barrister-at-Law.]

### Before the Vacation Judge.

*RIESS v. THE OXFORD (LIM.)*—20th October.

INTERLOCUTORY INJUNCTION—NUISANCE—OBSTRUCTION TO HIGHWAY—BALANCE OF CONVENIENCE AND INCONVENIENCE.

This was a motion by the plaintiff, Mrs. Riess, for an injunction to restrain the defendants from carrying on, or permitting to be carried on, by themselves, their manager, servants, or agents, the business or concern of the Oxford Music Hall, situate at or adjoining Boziers-court, Tottenham-court-road, so as to cause injury to the plaintiff as lessee of premises at Boziers-court, by allowing or permitting the defendants' performers or actors, known as the Dahomey Amazon Warriors, to come from and

return to the defendants' music hall in such costumes and in such manner, in brakes, carriages, or otherwise, as to cause large crowds of persons to assemble so as to cause nuisance, annoyance, and injury to the plaintiff and her business by the noise and multitude of persons assembled and by the blocking up of the thoroughfare to the plaintiff's premises. The plaintiff was the lessee for a term of years under an indenture of lease of the premises, and she carried on thereon the trade of a wholesale and retail jeweller and watch and clock maker and silversmith. The defendants were the proprietors of the Oxford Music Hall, which premises have a door or entrance in Tottenham-court-road, close to and adjoining Boziers-court. The plaintiff's evidence alleged that the defendants had included in their performance a performance by a number of women called the Dahomey Amazon Warriors, who lived on the defendants' premises, and came out through the entrance adjoining Boziers-court aforesaid every evening for the purpose of performing at the Canterbury Music Hall, Westminster-bridge-road. Brakes or carriages were drawn up outside the entrance for the purpose of conveying these persons to the Canterbury Music Hall. From about 7.30 every evening until about 8.30 crowds of persons were drawn together to witness the departure of the defendants' performers, who left the defendants' premises in various costumes, some with scarcely any dress on, but all more or less in an extremely vulgar attire. For at least one hour every evening crowds of persons, numbering about 2,000, assembled to witness their departure, and the traffic up the court and in front of the plaintiff's shop facing Tottenham-court-road was thereby wholly blocked. The plaintiff's evidence also alleged that during the time the crowd was assembled it was necessary to put up iron guards outside the shop windows and to shut the windows in which the most valuable goods were exposed, and so to partly close the plaintiff's shop. The police force had been increased in the neighbourhood in consequence of representations made by the plaintiff's manager, but the additional police were insufficient to prevent the nuisance. The manager also stated that the plaintiff's business was seriously injured by the assembling of the crowds. Affidavits were made by various persons to the effect that their businesses could not be carried on by reason of the crowds. There was also evidence filed on behalf of the plaintiff to shew that during the three weeks that the nuisance had continued there had been a considerable falling off of the plaintiff's business. The defendants' evidence stated that the defendants had no connection with the Canterbury Music Hall, that immediately they found a crowd assembled they communicated with the police to prevent any blocking and adopted the suggestions of the police. A very short time was occupied by the troupe in getting into the carriages, and were at once driven off. That the troupe started from the Oxford Music Hall at 8.30 in the evening, and that it was an exaggeration to say that a crowd existed from 7.30 to 8.30, and that the crowd dispersed directly the troupe was gone. The defendants said the crowd was orderly and well behaved, whereas the plaintiff said the reverse was the case. The Oxford Music Hall had no control over, or right to control, the going out or coming in of the troupe or any of its members, or the dresses they wore when they went out or came in. The plaintiff relied on the case of *Barber v. Penley* (1893, 2 Ch. 447) (where North, J., held that the lessee of a theatre was liable for obstruction to access to adjacent premises by reason of the assembling of a crowd previously to the opening of a theatre); and also cited *Res v. Moore* (3 B. & Ad. 184), *Walker v. Brewster* (L. R. 5 Eq. 25), and *Bellamy v. Wells* (39 W. R. 158). For the defendants it was argued that they were only landlords, and could not control the movements of the troupe when they were outside the defendants' premises, and the case of *Jenkins v. Jackson* (37 W. R. 253, 40 Ch. D. 71) was cited.

At the conclusion of the arguments on Wednesday, the 18th of October, Kennedy, J., reserve judgment till Friday, the 20th of October.

KENNEDY, J., after reading the notice of motion, said that the application which he had to decide was an application for an interlocutory injunction, which it was not intended to treat as the trial of the action. It appeared to him that, in these circumstances, the matter was one where it was peculiarly desirable not to prejudge the case which would ultimately have to be decided. The facts stated in the affidavits, so far as material, shewed that the persons whose conduct was the cause of the alleged nuisance were a troupe of African savages, with whose manager there was a contract on behalf of the defendants for an exhibition of the troupe, and it was a term of the contract that the "Amazons" were to be accommodated during their stay at the Oxford (Limited), and also that conveyances should be provided for them to take them to and from whatever place other than the Oxford Music Hall they might be engaged at. It was alleged (and that was the basis of the motion) that the troupe left the premises of the defendants and crossed a portion of the pavement in such a manner and in such costumes as to cause a crowd to gather of such a character and of such dimensions as to cause an actionable nuisance to persons having shops in the immediate vicinity. By a long series of decisions, referred to in *Barber v. Penley* (*supra*), it appeared clear that the collection of a large crowd obstructing the highway, whether intentional or otherwise, and hindering people in their business, was an actionable wrong. There were two main things to be considered. First, Was there in fact such an obstruction? and, secondly, Were the defendants the cause of it? It was to be observed that the obstruction complained of was injurious to the plaintiff for a limited period only, her trade being chiefly a "night trade." Further, on the evidence, there was some ground for supposing that the obstruction was diminishing. The crowds assembled in places not under the control of the defendants, and the crowd was one with which the police was entitled and competent to deal. The more important question was, however, Had the defendants caused the obstruction? This point would possibly be dealt with more fully at the trial; at present he had to balance the convenience and inconvenience of granting the injunction or of allowing the application to stand over till the hear-



ing of the action. Granting the injunction might expose the defendants to a series of applications to commit them for contempt. It was difficult to see how the defendants could interfere with the troupe if they chose to set the defendants at defiance, and the manner they crossed the pavement could not be directly controlled by the defendants. If the injunction were granted, there would be an interminable series of questions as to whether or not there was any crowd, and whether such crowd could be said to be caused by the attire and manner of the troupe. The only way the defendants could deal with them would be by ordering them to quit, and break their contract with the manager of the troupe. That seemed unreasonable, and damages might arise to the defendants in consequence. If the police failed in stopping the obstruction to the highway, the damage arising to the plaintiff could be assessed and was assessable on the principle of estimating the loss of the plaintiff's takings during the time the crowd continued. Having gone through all the facts, his lordship said he had come to the conclusion that the court ought to order the motion to stand till the trial. He wished to say that the decisions cited in *Barber v. Penley* and also *Barber v. Penley* itself were either decisions at the trial of the action or decisions upon motions treated as the trial of the action. He expressed no opinion upon what view should be taken of the law at the hearing. For the purposes of the present application, justice would be best met by ordering the motion to stand over till the hearing.—COUNSEL, *Martin, Q.C.*, and *Boone; Millar, Q.C.*, and *Eustace Smith*. SOLICITORS, *John Attenborough; T. W. Mitchell*.

[Reported by V. DE S. FOWKE, Barrister-at-Law.]

## NEW ORDERS, &c.

### STAMPS IN BANKRUPTCY AND WINDING UP.

On and after Saturday, the 14th of October, all Bankruptcy and Companies Winding-up stamps and forms will be sold in Room 59, Bankruptcy-buildings. J. S. PUNCELL, Controller of Stamps.

Oct. 10.

## LEGAL NEWS.

### APPOINTMENTS.

Mr. MONTAGUE CRACKANTHORPE, Q.C., of Lincoln's-inn, has been appointed Standing Counsel to the University of Oxford, in succession to Lord Justice Davey.

Mr. ROBERT INNER, solicitor, of 10, Norfolk-street, Manchester, and also of Stalybridge, has been duly appointed and admitted a Notary Public.

Mr. THEODORE CHRISTOPHERS, solicitor, of Henley-in-Arden, has been appointed Coroner for the Southern Division of the County of Warwick, in the place of the late Mr. Thomas Barnes Couchman.

### CHANGES IN PARTNERSHIPS.

#### DISSOLUTIONS.

ALFRED HODGKINSON and JOHN JAMES WATTS, solicitors (Hodgkinson & Watts), 5, Idol-lane, London. September 30.

CHARLES ALOYSIUS MARIA LIGHTBOUND and PERCY DONELL, solicitors (Lightbound & Dobell), Liverpool. October 9.

[Gazette, October 20.]

### GENERAL.

The London Sittings commenced on Wednesday. The special jury actions for trial are only twenty in number.

It is announced that his Honour Judge Homersham Cox, judge of the County Circuit No. 48, has, after twenty-two years' service, tendered his resignation to the Lord Chancellor, by whom it has been accepted in very gratifying terms.

Lord Coleridge presided over a meeting of the judges of the Queen's Bench Division at the Law Courts on Tuesday for the purpose of selecting the election petition judges for the ensuing year, to appoint the judges for the winter circuits, and other business.

Lord Justice Kay will preside at the general meeting of the Barristers' Benevolent Association, which will be held in the Middle Temple Hall on Wednesday next at half-past four o'clock, when all members of the bar are invited to attend.

The *Daily Telegraph* says that at the opening of the Law Courts a lady litigant, who last sittings made her presence severely felt by many of the judges, attempted to take part in the march through the Central Hall, but was ejected.

The *Daily News* says that the following legal notice appears in the Official Gazette at Mühlen, concerning the affairs of a company recently ordered to be wound up. The balance-sheet shews: "Income, nichts (nil); expenditure, nichts; assets, nichts." The formal notice concludes—"All claims upon this company must be sent in, at the latest, by the 1st prox." With such a balance-sheet no complications should arise to puzzle the Bankruptcy officials.

On Wednesday in the Divisional Court of the Queen's Bench Division

a case in which a learned counsel was engaged was called on, but the counsel was not present. The court read the affidavits, and after they had waited some time, counsel appeared and said he had been under the impression that another case in the list in which he was for the respondent was to be taken first. Mr. Justice Wills said: I think we ought not to let this occasion pass without noticing the discourtesy shewn to the court by counsel not handing over his brief when it is impossible to attend to a case. When he cannot attend to a case he ought to do what has been done for many years—viz., hand over his brief to some learned brother. The court is always willing to assist counsel.

In the City of London Court, on the 23rd inst., the case of *The Mutual Loan Fund Association (Limited) v. Wing* was heard before Mr. Commissioner Kerr. The plaintiffs, of Lancaster-place, Waterloo-bridge, applied for the committal of the defendant, Mr. A. A. C. Wing, bank clerk, for the non-payment of £3 1s. 9d. due. The plaintiffs' solicitor's clerk said he had arranged with the defendant's solicitor's clerk that a committal order should be made against the defendant, suspended until November 1. Mr. Commissioner Kerr.—You have arranged that the man shall go to prison, have you? The plaintiffs' solicitor's clerk.—He has agreed to it. Mr. Commissioner Kerr.—The courts of justice of this country have not yet arrived at that stage of civilization by which they are to be the machinery for sending men to prison "by consent." Possibly that period may arrive, but until it does I must refuse to order men's committals in that way. I will make an order for payment of £1 per month.

The following are the arrangements made by the judges (Day and Grantham, JJ.) for holding the autumn assizes on the Northern Circuit, viz.:—The commissions will be opened at Carlisle on Wednesday, October 25; at Lancaster on Saturday, October 28; at Manchester on Wednesday, November 1; and at Liverpool on Tuesday, November 14. Business will commence at each place on the day next after the commission day at 11 o'clock. There will be no civil business at Carlisle or Lancaster, but at Manchester and Liverpool both civil and criminal business will be taken. In case all the causes entered for trial at Manchester shall not be finished on the 13th of November, the trial of the remainder will be adjourned until the termination of the assizes at Liverpool, when a judge will return to Manchester on the 29th of November to try the remaining causes and such further causes as may have been entered. The trial of special jury causes will commence at Manchester on Saturday, November 4, and at Liverpool on Friday, November 17.

## COURT PAPERS.

### SUPREME COURT OF JUDICATURE.

#### NOTA OF REGISTRARS IN ATTENDANCE ON

Date.	APPEAL COURT No. 2.	Mr. Justice CHITTY.	Mr. Justice NORTH.
Monday, Oct. ....	Mr. Rolt	Mr. Pemberton	Mr. Pugh
Tuesday ..... 30	Farmer	Ward	Beal
Wednesday, Nov. .... 1	Rolt	Pemberton	Pugh
Thursday ..... 2	Farmer	Ward	Beal
Friday ..... 3	Rolt	Pemberton	Pugh
Saturday ..... 4	Farmer	Ward	Beal
	Mr. Justice STIRLING.	Mr. Justice KEEWICH.	Mr. Justice ROMER.
Monday, Oct. .... 30	Mr. Godfrey	Mr. Clowes	Mr. Lavie
Tuesday ..... 31	Leach	Jackson	Carrington
Wednesday, Nov. .... 1	Godfrey	Clowes	Lavie
Thursday ..... 2	Leach	Jackson	Carrington
Friday ..... 3	Godfrey	Clowes	Lavie
Saturday ..... 4	Leach	Jackson	Carrington

### MICHAELMAS SITTINGS, 1893.

#### COURT OF APPEAL.

##### APPEAL COURT, I.

Final and interlocutory appeals from the Queen's Bench Division, the Probate, Divorce, and Admiralty Division (Admiralty), and the Queen's Bench Division Sitting in Bankruptcy.

Tues., Oct. 24	(App motns ex pte—orgl motns and apps from ords made on interlocutory motns)
Wed. .... 25	New trial paper
Thurs. .... 26	Bkcy apps and new trial paper
Friday ..... 27	New trial paper
Saturday ..... 28	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns and Q B final appeals if required)
Monday ..... 30	Q B final apps
Tues. .... 31	Bkcy apps and Q B final apps
Wed., Nov. 1	Q B final apps
Thursday ..... 2	Bkcy apps and Q B final apps
Friday ..... 3	Q B final apps
Saturday ..... 4	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns & new trial pa if required)
Monday ..... 6	New trial paper
Tuesday ..... 7	Bkcy apps and new trial paper
Wed. .... 8	New trial paper
Thursday ..... 9	Bkcy apps and new trial paper
Friday ..... 10	New trial paper

Saturday ..... 11	New trial paper
Monday ..... 13	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns and Q B final appeals if required)
Tuesday ..... 14	Q B final apps
Wed. .... 15	Q B final apps
Thursday ..... 16	Bkcy apps and Q B final apps
Friday ..... 17	Q B final apps
Saturday ..... 18	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns and new trial paper if required)
Monday ..... 20	New trial paper
Tuesday ..... 21	Bkcy apps and new trial paper
Wed. .... 22	Q B final apps
Thursday ..... 23	Bkcy apps and new trial paper
Friday ..... 24	New trial paper
Saturday ..... 25	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns and Q B final appeals if required)
Monday ..... 27	Q B final apps
Tuesday ..... 28	Q B final apps
Wed. .... 29	Q B final apps
Thursday ..... 30	Bkcy apps and Q B final apps
Friday, Dec 1	Q B final apps
Saturday ..... 2	(App motns ex pte—orgl motns — apps from ords made on interlocutory motns & new trial pa if required)
Monday ..... 4	New trial paper

Tuesday ..... 5  
 Wednesday ..... 6 New trial paper  
 Thursday ..... 7  
 Friday ..... 8 Bkcy apps and new trial paper  
 Saturday ..... 9 New trial paper  
 App motns ex pte—orgl mota — apps from ords made on interlocutory mota and Q B final apps if required  
 Monday ..... 11  
 Tuesday ..... 12 Q B final apps  
 Wednesday ..... 13 Bkcy apps and Q B final apps  
 Thursday ..... 14  
 Friday ..... 15  
 Saturday ..... 16 Q B final apps  
 App motns ex pte—orgl mota — apps from ords made on interlocutory mota and new trial paper if required  
 Monday ..... 18  
 Tuesday ..... 19 New trial paper  
 Wednesday ..... 20  
 Thursday ..... 21

N.B.—Admiralty Appeals (with Assessors) will be taken on days to be appointed by the court.

SPECIAL NOTICE.—In consequence of the limited state of the Chan. Appeal List the above general arrangement will be subject to modification by the Judges, of which due notice will appear in the Daily Cause List.

#### APPEAL COURT, II.

Final and interlocutory appeals from the Chancery, and Probate, Divorce, and Admiralty Divisions (Probate and Divorce), and the County Palatine and Stannaries Courts.

Tues., Oct. 24 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list)  
 Wed. .... 25 Chan final apps  
 Thursday ..... 26 County Palatine apps and Chan final apps  
 Friday ..... 27  
 Saturday ..... 28 Chan final apps  
 Monday ..... 30

Wed., Nov. 1 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Thursday ..... 2 County Palatine apps and Chan final apps  
 Friday ..... 3  
 Saturday ..... 4 Chan final apps  
 Monday ..... 6

Tuesday ..... 7 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 8

Thursday ..... 9  
 Friday ..... 10 Chan final apps  
 Monday ..... 13  
 Tuesday ..... 14 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wednesday 15

Thursday ..... 16  
 Friday ..... 17 Chan final apps  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 22

Thursday ..... 23  
 Friday ..... 24 Chan final apps  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 29

Thursday ..... 30 Chan final apps  
 Friday, Dec 1  
 Saturday ..... 2 Chan final apps  
 Monday ..... 4  
 Tuesday ..... 5 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 6

Thursday ..... 7 County Palatine apps and Chan final apps  
 Friday ..... 8  
 Saturday ..... 9 Chan final apps  
 Monday ..... 11  
 Tuesday ..... 12 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 13

Thursday ..... 14  
 Friday ..... 15 Chan final apps  
 Saturday ..... 16  
 Monday ..... 18  
 Tuesday ..... 19 App motns ex pte—orgl mota—apps from ords made on interlocutory mota (sep list) and Chan final apps if required  
 Wed. .... 20  
 Thursday ..... 21 Chan final apps

N.B.—Lunacy Petitions (if any) are taken in Appeal Court II. on every Monday at Eleven until further notice.

SPECIAL NOTICE.—In consequence of the limited state of the Chan. Appeal List the above general arrangement will be subject to modification by the Judges, of which due notice will appear in the Daily Cause List.

#### HIGH COURT OF JUSTICE.

##### CHANCERY DIVISION.

##### CHANCERY COURT, I.

##### MR. JUSTICE CHITTY.

Tues., Oct. 24 Mot and non wit list  
 Wed. .... 25 Non wit list  
 Thursday ..... 26 Mot and non wit list  
 Friday ..... 27 Peta, sht caus, procedure sums, opposed pets, and non wit list  
 Saturday ..... 28 Sitting in chambers  
 Monday ..... 30 Sitting in chambers  
 Tuesday ..... 31 Non wit list  
 Wed., Nov. 1 Non wit list  
 Thursday ..... 2 Mot and non wit list  
 Friday ..... 3 Peta, sht caus, opposed pets, procedure sums, and non wit list  
 Saturday ..... 4 Sitting in chambers  
 Monday ..... 6 Non wit list  
 Tuesday ..... 7 Non wit list  
 Wednesday 8 Mot and non wit list  
 Thursday ..... 9 Peta, sht caus, opposed pets, procedure sums, and non wit list  
 Friday ..... 10 Sitting in chambers  
 Saturday ..... 11 Non wit list  
 Monday ..... 13 Non wit list  
 Tuesday ..... 14 Non wit list  
 Wednesday 15 Mot and non wit list  
 Thursday ..... 16 Peta, sht caus, opposed pets, procedure sums, and non wit list  
 Friday ..... 17 Sitting in chambers  
 Saturday ..... 18 Non wit list  
 Monday ..... 20 Sitting in chambers  
 Tuesday ..... 21 Non wit list  
 Wednesday 22 Non wit list  
 Thursday ..... 23 Mot and non wit list  
 Friday ..... 24 Peta, sht caus, opposed pets, procedure sums, and non wit list  
 Saturday ..... 25 Sitting in chambers  
 Monday ..... 27 Non wit list  
 Tuesday ..... 28 Non wit list  
 Wednesday 29 Mot and non wit list  
 Thursday ..... 30 Wit list  
 Friday, Dec 1  
 Saturday ..... 2 Sitting in chambers  
 Monday ..... 5  
 Tuesday ..... 6 Wit list  
 Wednesday 7 Non wit list  
 Thursday ..... 8 Non wit list  
 Friday ..... 9 Non wit list  
 Monday ..... 11 Sitting in chambers  
 Tuesday ..... 12 Non wit list  
 Wednesday 13 Mot and non wit list  
 Thursday ..... 14 Peta, sht caus, opposed pets, procedure sums, and non wit list  
 Friday ..... 15 Sitting in chambers  
 Saturday ..... 16 Non wit list  
 Monday ..... 18 Non wit list  
 Tuesday ..... 19 Non wit list  
 Wednesday 20 Mot and non wit list  
 Thursday ..... 21 Mot and non wit list

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard. Two copies of minutes of the proposed judgment or order must be left in court with the judge's clerk the day before the cause is to be put in the paper.

N.B.—In the weeks when witness actions are being tried further considerations will not be taken. They will be taken on Tuesdays in the weeks when non-witness actions are being heard.

N.B.—The following Papers on Further Consideration are required for the use of the Judge, viz.:—Two Copies of Minutes of the proposed Judgment or Order, 1 Copy Pleadings, and 1 Copy Chief Clerk's Certificate, which must be left in Court with the Judge's Clerk one clear day before the Further Consideration is ready to come into the paper.

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#### CHANCERY COURT, II.

##### MR. JUSTICE NORTH.

Tues., Oct. 24 Motions  
 Wed. .... 25 Mot and gen pa  
 Thursday ..... 26 General paper  
 Friday ..... 27 Mot and adj sums  
 Saturday ..... 28 Sht caus, pets, and adj sum  
 Monday ..... 30 Sitting in chambers  
 Tuesday ..... 31 General paper  
 Wed., Nov. 1  
 Thursday ..... 2  
 Friday ..... 3 Mot and adj sums  
 Saturday ..... 4 Sht caus, pets, and adj sum  
 Monday ..... 6 Sitting in chambers  
 Tuesday ..... 7 General paper  
 Wednesday 8 General paper  
 Thursday ..... 9 Mot and adj sums  
 Friday ..... 10 Sht caus, pets, and adj sum  
 Saturday ..... 11 Sitting in chambers  
 Monday ..... 13 Sitting in chambers  
 Tuesday ..... 14 General paper  
 Wednesday 15 General paper  
 Thursday ..... 16 Mot and adj sums  
 Friday ..... 17 Sht caus, pets, and adj sum  
 Saturday ..... 18 Sitting in chambers  
 Monday ..... 20 Sitting in chambers  
 Tuesday ..... 21 General paper  
 Wednesday 22 General paper  
 Thursday ..... 23 Mot and adj sums  
 Friday ..... 24 Sht caus, pets, and adj sum  
 Saturday ..... 25 Sitting in chambers  
 Monday ..... 27 General paper  
 Tuesday ..... 28 Mot for Mr Justice Chitty and gen pa  
 Wednesday 29 Mot and adj sums  
 Thursday, Dec. 1 Sht caus, pets, and adj sums, including unopposed pets for Mr Justice Chitty  
 Friday ..... 2 Sitting in chambers  
 Monday ..... 4 General paper  
 Tuesday ..... 5 General paper  
 Wednesday 6 Mot for Mr Justice Chitty and gen pa  
 Thursday ..... 7 Mot and adj sums  
 Friday ..... 8 Sht caus, pets, and adj sums, including unopposed pets for Mr Justice Chitty  
 Saturday ..... 9 Sitting in chambers  
 Monday ..... 11 General paper  
 Tuesday ..... 12 General paper  
 Wednesday 13 Mot and adj sums  
 Thursday ..... 14 Sht caus, pets, and adj sums  
 Friday ..... 15 Sitting in chambers  
 Saturday ..... 16 General paper  
 Monday ..... 18 Mot and adj sums  
 Tuesday ..... 19 Sht caus, pets, and adj sums  
 Wednesday 20 General paper  
 Thursday ..... 21 Mot and adj sums

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard. Two copies of minutes of the proposed judgment or order must be left in court with the judge's clerk the day before the cause is to be put in the paper.

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Friday ..... 24 Mot, adj sums, and gen pa  
 Saturday ..... 25 Sht caus, pets, adj sums, and gen pa, including unopposed pets for Kekewich, J  
 Monday ..... 27 Sitting in chambers  
 Tuesday ..... 28 General paper  
 Wednesday 29 General paper  
 Thursday ..... 30 Mot, adj sums, and gen pa  
 Friday, Dec. 1 Sht caus, pets, adj sums, and gen pa  
 Saturday ..... 2 Sitting in chambers  
 Monday ..... 4 General paper  
 Tuesday ..... 5 General paper  
 Wednesday 6 Mot, adj sums, and gen pa  
 Thursday ..... 7 Sht caus, pets, adj sums, and gen pa  
 Friday ..... 8 Sitting in chambers  
 Saturday ..... 9 General paper  
 Monday ..... 11 General paper  
 Tuesday ..... 12 Mot, adj sums, and gen pa  
 Wednesday 13 Sht caus, pets, adj sums, and gen pa  
 Thursday ..... 14 Sitting in chambers  
 Friday ..... 15 General paper  
 Saturday ..... 16 Mot, adj sums, and gen pa  
 Monday ..... 18 Sht caus, pets, adj sums, and gen pa  
 Tuesday ..... 19 Sitting in chambers  
 Wednesday 20 General paper  
 Thursday ..... 21 Mot, adj sums, and gen pa

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard. Two copies of minutes of the proposed judgment or order must be left in court with the judge's clerk the day before the cause is to be put in the paper.

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#### COURT OF APPEAL.

##### MICHAELMAS SITTINGS, 1893.

##### APPEAL COURT I.—NOTICES.

Queen's Bench Interlocutory Appeals will be taken in Court I. on Tuesday, October 24, and afterwards on every Monday in Michaelmas Sittings.

Queen's Bench Final Appeals and New Trial Motions will be taken in Court I. in alternate weeks during the Sittings. New Trial Motions will



be taken in Court I. on Wednesday, October 25, and following days in that week. Final Appeals in the second week.

On Mondays and Fridays Final Appeals or New Trial Motions will be taken if there are not enough Interlocutory or Bankruptcy Appeals for a day's Paper.

Admiralty Appeals (with Assessors) will be taken in Court I. on days specially appointed by the Court, notice of which will appear in the Daily Case List.

# FROM THE QUEEN'S BENCH AND ADMIRALTY DIVISIONS.

For Hearing.

(Final List.)

1893.

Proud v Price & ors app of plit from judgt of Justices Day and Wills, dated April 22, on special case stated without pleadings May 19

The Queen v W Bassano, Esq, and ors Justices of County of Stafford (Q.B. Crown Side) app of Foresters Friendly Soc from order of Baron Pollock and Mr. Justice Kennedy, dated May 15, dismissing appln for writ of prohibition Bache v Billingham (Q B Crown Side) app of T Bache from judgt of Baron Pollock and Mr Justice Kennedy, dated May 15, on special case affirming decision of justices against Foresters Friendly Soc for sick pay May 20

The Taff Vale Ry Co v D Davis & Sons, ld app of debt from judgt of Mr Justice Day, dated May 15, at trial without a jury in Middlesex May 26

In re the Tithe Act, 1891 The Rev W H Jones (tithe owner by his agent) against H J Potts, landowner (Q B Crown Side) app of Algernon Potts (representative) from judgment of Justices Day and Bruce, dated May 6, reversing county court judgt and directing order under Tithe Act, 1891, sec 2, sub-section 3 In re The Tithe Act, 1891 The Rev W H Jones (tithe owner by his agent) against B D Cooke, landowner (Q B Crown side) appl of B D Cooke from like judgt as in Pott's case May 27

Pape v Westcott (Q B Crown Side) appl of debt from judgt of Justices Charles and Vaughan Williams, dated May 12, affirming judgt of Bloomsbury County Court for plit May 31

Malcolm, Flinn, & Co v Hoyle Trading, &c app of plits from judgt of Mr Justice Cave, dated May 16, at trial without a jury in Middlesex June 1

Partington Advertising Co v Lynch app of plits from judgt of Mr. Justice Collins, dated March 8, at trial without a jury in Middlesex June 1

Westcott v Beyfus & ors app of plit from judgt of Mr Justice Grantham, dated March 23, at trial without a jury in Middlesex June 5

Bowes & Partners ld v Press (Q B Crown Side) app of debt R Press from judgt of Justices Day and Lawrence, dated May 31, affirming judgt of Justices on claim and counter-claim for damages under Employers', &c, Act, 1875 June 7

The Atherley Grange Coal Co ld v The Auckland District Highway Board (Q B Crown Side) app of the Coal Co from judgt of the Lord Chief Justice and Mr. Justice Cave, dated May 19, affirming orders for payment of extraordinary highway repairs on special case stated by Justices June 10

Hathorn v Foster & ors appl of debt from judgt of Mr Justice Day, dated June 7, for possession and means profits, at trial without a jury in Middlesex June 12

Leaoyd v Bracken appl of debt from judgt of Justices Wills and Charles, dated May 19, dismissing appln to set aside Official Referee's finding and judgt on debt's counter claim at trial of action (new trial asked for) June 12

Chudley v Chudley (Q B Crown Side) appl of J T Chudley from judgt of Justices Day and Lawrence, dated June 3, affirming decision of Justices in case of desertion under Married Woman's Maintenance Act, 1886, on special case stated June 13

Chancery Action Robinson v The Cowpen District Local Board appl of debts from judgt of Mr Justice Bruce (for Mr Justice Stirling), dated May 5, declaring public right of way over plitf's land at trial without a jury in Middlesex and cross notice of plitf's contention against right of way June 15

Dunbar v Woodhouse appl of debt from judgt of Mr Justice Collins, dated June 12, at trial without a jury in Middlesex June 19

Godchaux v The Société Maritime Belge appl of plitf from judgt of Baron Pollock, dated June 12, at trial with a special jury at Guildhall—verdict for plitf for wrongful dismissal, but judge held no contract (new trial not asked for except for assessment of damages) June 21

Reservoir Pipe and Fire Brick Manufacturing Co v C D Phillips (Q B Crown Side) app of plits from judgt of Justices Day and Lawrence, dated May 31, reversing judgt of County Court for plits as to certain items of claim June 23

Lewis v Knoyle app of dft from judgt of Baron Pollock, dated June 16, at trial without a jury in Middlesex June 24

Lott v Outhwaite & anr app of plit from judgt of Mr Justice Bruce, dated June 10, at trial without a jury in Middlesex (new trial asked for) June 24

Ship Bedouin (Marine Policy) The Bedouin Steam Navigation Co ld v R Bradford app of debts from judgt of Mr Justice Gorell Barnes, dated June 21, 1893 (without assessors) June 26

Snell v Knowles app of plit from judgt of Mr Justice Lawrence, dated June 27, dismissing claim for commission and underwriting at trial without a jury in Middlesex, and debt's notice of contention June 29

Long v Clarke app of plit from judgt of Mr Justice Collins, dated June 14, at trial without a jury in Middlesex June 29

Ship Louise (co-ownership) G N Simons v W V Simons app of plit from

judgt of the President, dated June 20, 1893 (without assessors) June 29  
Smith & anr v The Rosario Nitrate Co ld app of debts from judgt of Baron Pollock, dated June 16, at trial without a jury at Guildhall (special jury discharged by consent) July 3

Oliver v The Horsham Local Board (Q B Crown Side) app of debts from judgt of Justices Day and Wright, dated June 26, affirming County Court judgt for plit July 3

The Brussels Palace of Varieties ld v Prockter app of plits from judgt of Mr Justice Kennedy, dated June 27, at trial without a jury in Middlesex July 4

Bjorkegen & Co v Douglas & Co app of plits from judgt of Mr Justice Collins, dated June 20, at trial without a jury in Middlesex July 4

Fawcner & anr v Booth app of debt from judgt of Mr Justice Mathew, dated July 1, on fur con after trial with a special jury in Middlesex (new trial not asked for) July 8

Drion v D'Avigdor app of plit from finding and judgt of Mr Justice Collins, dated April 25, at trial without a jury in Middlesex (new trial asked for) July 10

The Halkyn District Mines Drainage Co v The Holywell Assessment Committee and Halkyn Parish (Q B Crown Side) app of Halkyn Co from judgt of Justices Mathew and Collins, dated June 12, affirming judgt of sessions for assessment committee on app against rates The same appellants v The Same Assessment Committee and Northcroft Parish July 15

Attorney-Gen & anr v Met Ry Co appl of debts from judgt of Mr Justice Wright, dated May 4, at trial without a jury in Middlesex July 15

Thompson v The Mayor, &c of Brighton (Q B Crown Side) appl of debts from judgt of Justices Day and Wright, dated June 26, affirming judgt in County Court for plitf July 15

Prescott v The Bank of England appl of debts from judgt of Mr Justice Cave, dated July 5, without a jury in Middlesex July 17

Race (an infant by next friend) v Harrison and anr (Q B Crown Side) appl of plitf from judgt of Justices Bruce and Kennedy, dated July 5, reversing judgt in County Court for plitf July 18

Ship Glenlivet (burnt vessel—Marine Policy) The Glenlivet Steamship Co ld v J H Titcombe appl of plits from judgt of Mr Justice Gorell Barnes, dated March 21, 1893 July 19

Stoddart v The Imperial Union Accident Assce Co ld app of Debts from judgt of Mr Justice Lawrence, dated July 5, at trial with a special jury at Cumberland (new trial not asked for) July 20

Furniss, Withy & Co ld v W N White & Co ld app of debts from judgt of Mr Justice Day, dated June 24, at trial without a jury in Middlesex July 22

Sutton & Co v Grey appl of Debt from judgt of Lord Justice Bowen, dated June 28, 1893, after trial without a jury in Middlesex July 26

Ship North Britain (Marine Insurance) Hugh Roberts & Son v Ocean Marine Insurance Co, ld app of debts from judgt of Mr Justice Gorell Barnes, dated May 31, 1893 (without Assessors) July 27

Ship Industrie (balance of freight) Ad Schiff v Steel Bros & Co, ld app of debts from judgt of Mr Justice Gorell Barnes, dated July 11, 1893 (without Assessors) July 27

Ship Crystal (expenses of removal of wreck) The Tyne Improvement Commissioners v The Arrow Shipping Co app of debts from judgt of Mr. Justice Gorell Barnes, dated July 11, 1893 (without Assessors) July 27

Syngé v Syngé app of plitf from judgt of Mr. Justice Mathew, dated April 22, on further consideration in London after trial without a jury at Bristol August 2

Chancery Action Chamberlain v Marriott app of plit from judgt of Mr Justice Day (for Mr Justice Kekewich), dated March 10, 1893 Same Action application of plit for leave to adduce *vide* evidence on hearing of app (postponed on August 9 till hearing of app) Aug 2

Ship Aikahaw (Marine Insurance) Robert Gardner & Co v Harry Rawson & ors app of debts from judgt of Mr Justice Gorell Barnes, dated July 25, 1893 (without Assessors) August 3

Chapman v The South Metropolitan Gas Co app of debts from judgt of Lord Justice A L Smith, dated 19 July 1892, at trial without a jury in Middlesex upon Off Referee's Report Aug 9

The Great Western Railway Co v The Commissioners of Inland Revenue (Q B Revenue Side) app of G W R Co from judgt of Justices Cave and Wright, dated 25 July, 1893 Aug 9

Ship Mary Thomas (Marine Insurance) Mary Thomas Steamship Co, Ltd, v Globe Marine Insurance Co, Ltd app of plits from judgt of Mr Justice Gorell Barnes, dated 27 July, 1893 Aug 10

Kingston-upon-Hull Dock Co v Guardians of Seaclothes Union (Q B Crown Side) app of Guardians from judgt of Justices Mathew and Collins, dated June 13, on special case stated by arbitrator remitting for reconsideration as to rateable value of dock property in Seaclothes Union Aug 17

Nicholls v Calf app of plitf from nonsuit and judgt, dated July 26, at trial before Mr. Justice Day with a common jury at Bodmin (new trial not asked for) Aug 19

Burn v Dobson app of plitf in person from judgt, dated 27 July, at trial before the Lord Chief Justice at Leeds (jury discharged) Aug 21

Jenkinson v Yeates app of plitf from judgt dated 5 July, at trial before Mr. Justice Lawrence and a special jury at Carlisle—verdict for plitf—judgt for debt Aug 28

Scrutton v Stone app of plits from judgt of Mr Justice Charles, dated May 19, at trial with a jury in Middlesex Aug 30

New Zealand Gold Extraction Co (Newbery Vautin Process) ld v Pencock & ors app of debts from judgt of Mr Justice Kennedy, dated Aug 12, at trial without a jury in Middlesex Aug 31

Chancery action Smith v Raines app of plit from judgt of Mr Justice

Kennedy (for Mr Justice Kekewich), dated July 20, at trial without a jury at Manchester Oct 12

FROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION  
(ADMIRALTY).

For Hearing.  
With Nautical Assessors.  
1893.

- Ship Frogmore (damage) Owners of Ship Grenville v Owners of Ship Frogmore app of pils from judgt of the President, dated June 6, 1893 June 30  
Ship Kanzler (damage) Owners of S S Bedford v Owners of S S Kanzler app of defts from judgt of the President, dated June 22, 1893 July 5  
Ship Rainbow (damage) Liebig's Extract of Meat Co ld & ors v Owners of Ship Rainbow app of defts from judgt of the President, dated June 27, 1893 July 12  
Ship Knarwater (damage) Owners of Ship Cordova & ors v Owners of Ship Knarwater app of pils from judgt of the President, dated June 30, 1893 July 22  
Ship Borghese (damage) Owners of S S L E Charlwood & ors v Owners of the Borghese app of defts from judgt of Mr Justice Gorell Barnes, dated July 28, 1893 Oct 4

FROM THE QUEEN'S BENCH DIVISION.  
(New Trial Paper).

1893.

- Hales v The Great Western Ry Co appn of plttf for judgt or new trial on appl from verdict and judgt, dated June 10, at trial before Mr Justice Day and a special jury in Middlesex June 19  
Thatcher v Great Western Ry Co appn of defts for judgt or new trial on appl from verdict and judgt, dated July 4, at trial before Mr Justice Grantham and a special jury at Winchester July 14  
Bugg v Dyer appn of plttf for judgt or new trial on appl from verdict and judgt, dated July 31, at trial before Mr Justice Mathew and a jury at Chelmsford August 7  
Hayes v The Manchester Carriage and Tramways Co appn of deft Co for judgt or new trial on appl from verdict and judgt, dated July 15, at trial before Mr Justice Lawrance and a common jury at Salford August 9  
Davies v Blandy's Patent Syndicate ld appn of defts for new trial on appl from verdict obtained by plttf at trial on August 4, before Mr Justice Lawrance and a common jury at Liverpool August 10  
Bedell v Elze and ors appn of defts for judgt or new trial on appl from verdict and judgt, dated July 25, at trial before Mr Justice Wright and a special jury at Derby August 10  
The South Hetton Coal Co ld v The North Eastern News Association ld & ors appn of Defts for judgt or new trial on appl from verdict and judgt, dated July 11, at trial before the Lord Chief Justice and a jury at Newcastle Aug 11  
Sansinena & Co v R P Houston & Co appn of dfts for new trial on appl from part of verdict relating to plttf's claim against ship Hildegard at trial before Mr Justice Kennedy and a special jury at Liverpool Aug 12  
Sansinena & Co v R P Houston & Co appn of pltt for judgt or new trial on appl from part of verdict relating to plttf's claim against cargo of ship Hippomones at trial before Mr Justice Kennedy and a special jury at Liverpool Aug 15  
Barker v Lowe appn of Plttf for judgt or new trial on app from verdict and judgt, dated August 7, at trial before Mr Justice Collins with a jury at Birmingham Aug 24  
Williams v Eady appn of deft for judgt or new trial on appl from verdict and judgt, dated 5 August, at trial before Mr Justice Cave and a special jury in Middlesex Sept 4  
Allan Bros & Co v The National Amalgamated Sailors' and Firemen's Union & ors appn of dft J H Wilson for judgt or new trial on app from verdict and judgt, dated Aug 9, at trial before Mr Justice Kennedy and a special jury at Liverpool Sept 20

FROM THE QUEEN'S BENCH DIVISION.  
(Sittings in Bankruptcy.)

Appeals.  
(In Bankruptcy.)

1893.

- In re Jose Prim expte Jose Prim app of debtor from order of Mr Registrar Brougham, dated July 3, refusing to allow meeting of creditors to consider new scheme and abandon old one  
In re George Salt expte Fox exor of Benson, dec app of B P B Colton-Fox from order of Mr. Registrar Brougham dismissing petition for receiving order on ground that not sufficient petitioning Creditor's Debt  
In re Beauchamp Bros expte G W Beauchamp app of G W Beauchamp from receiving order, dated September 11, made by Mr. Registrar Hope on petition of Lovell and anr  
In re F P C Hope expte Debtor app of F P C Hope from receiving order, dated September 29, made by Mr. Registrar Hope on petition of J B Tatam  
In re Mansell & Co expte Debtors app of Mansell & Co from order of Mr Registrar Giffard, dated October 4, on petition of Campbell & anr  
In re Erskine expte Debtor app of Debtor from receiving order, dated October 13, made by Mr Registrar Giffard on petition of J Parker (trading, &c)  
In re Eleanor Baxter expte W Robertson app of W Robertson from order of Mr Justice Bruce, dated July 4, holding on appln of Official Receiver that certain property was in order and disposition of bankrupt

Interlocutory List

- In re a plaint in Farnham County Court Simmonds v Heath (Q B Crown Side) appl of plttf from judgt of Justices Lawrance and Collins, dated June 5, affirming findings and judgt of County Court Judge for deft (new trial asked for) July 11  
Mayor, &c, of Southport v The Ormakirk Assessment Committee and Birkdale Overseers (Q B Crown Side) appl of Ormakirk Assessment Committee and ors from order of Justices Cave and Wright, dated July 17, on special case, directing jdgt for Borough of Southport on rating appl July 20  
Peria v Soyex appl of plttf from judgt of Mr. Justice Charles, dated July 3, at trial without a jury in Middlesex (jury discharged by consent) entered in Interlocutory List by order July 26  
Eland v Herdman appl of deft from order of Mr. Justice Collins, at nisi prius, dated July 14, for reference to Official Referee after trial July 26  
Vernon v Hankey appl of plttf from order of Justices Cave and Wright, dated July 11, affirming order for transfer of action to Chancery Division July 29  
Thos Firth & Sons ld v M de las Rivas and anr appl of deft de las Rivas from order of Justices Wills and Charles, dated 24 April, giving leave to issue concurrent writ against deft at Bilbao and notice of contention by plttf, that certain words in order dated July be struck out Aug 10  
N.B.—The above lista contain final and interlocutory appeals set down to Saturday, October 14, inclusive.

HIGH COURT OF JUSTICE.

QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1893.

SPECIAL PAPER.

For Argument.

- The Wimbledon & Putney Commons Conservators v Nicol part heard April 19, 1893, before Mr. Justice Wills and Mr. Justice Charles (S O until after trial of act) points of law  
In re Pulborough School Board Election Petition Bourke & ors v Nutt special case  
Stern & ors v The Queen demurrer to petn of right  
Shaw v Great Western Ry Co special case  
Edwards v Marcus & anr (Townend & ors clmts) special case  
Musurus Bey, exor, &c v Gadban & ors, exors, &c special case  
Keighley, Maxted, & Co v Bryan, Durant, & Co special case  
Vestry of Paddington v North Met Ry & Canal Co special case

OPPOSED MOTIONS.

For Argument.

- In re R G Thompson, Gent Expte Baylis (taxation) part heard December 20, 1892, before Baron Pollock and Mr Justice Charles  
Flew v Smith & anr part heard June 5, 1893, to be continued before Mr Justice Grantham  
In re an Arbitration between the London County Council and the London Street Trams Co  
In re an Arbtrn between Same and Same  
In re a Solicitor Expte Incorporated Law Soc  
The Attorney-Gen v Emerson & ors to be heard before Mr Justice Collins and anr Judge  
Same v Same to be heard before Mr Justice Collins and anr Judge  
Lacou v De Groat  
In re a Solicitor Expte Incorporated Law Soc  
Agius v Davies & ors  
Dudley v Hamilton & Co  
In re an Arbtrn between Cary & Martin & Wife  
Vickerman v Seal  
Hoerter & anr v The Hanover Caoutchouc, &c Co  
Insole & ors v The Troedyrhiv Coal Co  
Hollender & anr v Magniac  
Cook v Hendrikx  
Holloway v Hampden House ld  
Same v Same  
Pollock v Hatton to be heard by Mr Justice Day and Mr. Justice Collins  
Pollock v Sharpe & anr to be heard by Mr Justice Day and Mr Justice Collins  
Allan Bros & Co & ors v The Amalgamated Sailors, &c Union & ors  
Chaffers v Goldsmid  
Steer v Kensington  
Jurado v Raphael  
In re Messrs Whites & Co, gents v Expte Whites (taxation)  
Metcalfe v Cousins  
In re a Solicitor v Expte Incorporated Law Soc (s o Nov 9)  
Arkcoll v Chaney urgent  
Tabor & anr v Day  
Dickinson & Son v Adley, Tolkien & Co  
Hodson v Perryman  
Pim, Vaughan & Co v Lord  
Swan and anr v Stuart and anr  
In re H F Neale, a Solr Expte Neale (costs)  
In re Same Expte Same (costs)  
The National Bank ld v Trotter  
Allan v E Siddaway & Sons  
Kingham v Bennett  
Parks v Thumwood  
Dunhill v Norton  
Stephens v Danger  
London and Provincial Bank v Tice and anr  
Wadey v Goldsworth and anr



## Linton v Mackenzie

In re a Solicitor Expte Incorporated Law Soc  
The Torbay and Dart Paint Co ld v Rochussen Bros urgent

Brown v Harris

Vinneder v Villers

Lovell &amp; anr v Beauchamp Bros urgent

Dean &amp; anr v Same urgent

Squeelch v Same urgent

Booty v Same urgent

Deakin v The Salt Union ld

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

Maconochie Bros v Copping

Swynn v Harland

In re an Arbitration between the Marquess of Bute &amp; the Barry Ry Co

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

In re a Solicitor Expte Incorporated Law Soc

Spackman v Hodgson (Lonsdale, garnishee)

Roberts v Whitworth &amp; ors

Hood-Barrs v Cathcart

Atkins v Robinson

Tallentire v Hammon

London &amp; Northern Assets Corpn ld v National Insee &amp; Guarantee

Corp'n ld

Brewster v Economic Fire Office ld &amp; ors

Ebbemith v Dawson &amp; ors

Discount Banking Co of England and Wales v Hood

Olot &amp; Geron Ry Co ld v Victoria

Dane v Mortgage Insee Corp'n ld

The Printing Telegraph &amp; Construction Co of the Agence Havas v

Jackson

Saxigenus Syndicate ld v Allport

The American Concentrated Must Co v Hendry &amp; anr

Entwistle v Hewitt

Harris v Beauchamp Bros

Dean &amp; anr v Same

Lovell &amp; anr v Same

Okell v Link

Mighell v Sultan of Johore

Griffiths v Barry Land Development Co

Nelson v Toppan

Banks Bros v Bennett

Gregor v Tarabochia

Spottiswoode &amp; Co v The York Street Publishing Co ld

Hammer v Clifton &amp; anr urgent

Buckley v Stent

In re a Solicitor, Expte Incorporated Law Society

In re a Solicitor, Expte Incorporated Law Society

In re a Solicitor, Expte Incorporated Law Society

Sutton &amp; Co v Cowland

Spalding &amp; Hodge ld v Freeman urgent

Hunter v Land Securities Co urgent

Fielding &amp; Co ld v Husburn and Wife

Allen &amp; Co ld v Macmillan &amp; Co urgent

Gordon v Summers

In re a proposed Arbitration between the Yeaton Waterworks Co and

Wright &amp; anr urgent

Carnochan v Glew

Butson v Davies urgent

## CROWN PAPER.

## For Argument.

Middlesex The Queen v Burrows (expte Robinson) Nisi for quo warranto  
as vestry clerk of TottenhamWorcestershire The Queen v Mayor, &c, of Worcester nisi for man-  
damus to obey order of Local Government BoardLancashire The Queen v Justices, &c, for the County of Lancaster Nisi  
for mandamus to hear app against conviction at instance of F WilsonMet Pol Dist The Queen v Marsham, Esq, Met Pol mag and London  
County Council (expte Ellis) Nisi for certiorari for orderLeicestershire Mayor, &c Leicester v Churchwardens, &c Beaumont Leys  
& ors Quarter Sessions Appellants' nisi to quashLeicestershire Mayor, &c Leicester v Churchwardens, &c Anstey & ors  
Quarter Sessions appellants' nisi to quash

Met Pol Dist Holland &amp; anr v Wallen Magistrate's case

Glamorganshire The Queen v C M Smith, Esq, one of the Masters, &c  
(expte Carr) Nisi for mandamus to tax costs of arbitration between Carr  
and G W RyCambridgeshire, Wisbech Green v Gt Eastern Ry Co county court  
pltf's app

Yorkshire (W R) Liversidge v Whiteoak magistrate's case

Surrey, Wandsworth Haddow v Morton (Trout clmt) county court  
clmt's app

Durham Laidlow v Wilson Magistrate's case

Hampshire, Newport and Ryde Marvin v Beckwith county court pltf's  
appealNorfolk and Suffolk, Diss & Eye Robinson v Chaplyn & anr county  
court pltf's app

London The Queen v Cates &amp; anrs, Members of the Appellate Tribunal

under the London County Council (expte Ellis) Nisi for certiorari  
for orderMet Pol Dist The Queen v Kennedy, Esq, Met Pol Mag and the London  
County Council (expte Ellis) Nisi to state caseWiltshire, Swindon West v Wilt County Council county court pltf's  
appealLondon Brett v Monarch Investment, &c, Society Mayor's Court pltf's  
appeal

Devonshire Toser v Harris Magistrate's case

Carmarthenshire, Newcastle Emlyn Lewis v Owen county court Owen's  
appealYorkshire, Scarborough Crawshaw v Harrison (Fraser, clmt) county  
court pltf's appGloucestershire, Tewkesbury Shill v Gloucestershire County Council  
county court pltf's appMiddlesex, Edmonton Smith and Wife v Enright and anr county court  
Pltf's appNorthumberland, Newcastle McGough and ors (by next friend) v Consett  
Iron Co county court deft's app

London Gradwell v Aitchison county court Deft's app

Met Pol Dist Hobman v Greenwich District Board of Works Magis-  
trate's caseLondon Neville v London, Tilbury, and Southend Ry Co county court  
pltf's appWarwickshire, Birmingham Bramwick (by next friend) v Ferraby county  
court pltf's appDenbighshire, Wrexham Powell v Jones (formerly Lewis, widow) and  
ors county court deft's appNorthumberland, Newcastle on Tyne Robson v Robson & anr county  
court deft Benjamin Robson's appLondon In re London Scottish Permanent Benefit Building Soc County  
Court Oolee's app

Salford Rennie v Goodbrand Hundred Court Deft's app

London Badham (widow) v Cooke county court pltf's app

Merionethshire, Dolgellay Jones & anr v Roberts county court pltf's  
appLancashire, Manchester Pharmaceutical Society v Delve county court  
pltf's app

Dorsetshire, Weymouth Gowan v Cosens &amp; Co county court pltf's app

Yorkshire, Halifax Walker v Brooks &amp; Sons county court pltf's app

London Blackburn Union v Guardians of St Mary, Islington Quarter  
Sessions 12 & 13 Vict, c 45, s 21

Staffordshire Jones v Holmes county court deft's app

Hertfordshire, Hitchin Willmott v Roberts county court deft's app

Middlesex, Westminster Ultzen v Nicols county court deft's app

Somersetshire, Bath Northey Stone Co v Gidney county court deft's  
appGlamorganshire, Merthyr Tydfil Judd v Taff Vale Ry Co county court  
deft's app

Birmingham Smith v Muller magistrate's case

Durham, Stockton on Tees and Middlesborough Maseall v Tees Union  
Shipping Co county court deft's appPembrokeshire, Pembroke Dock Pembroke Rural Sanitary Authority &  
anr v Matthias county court pltf's appSurrey, Southwark Henderson & Sons v London and South Western Ry  
Co county court pltf's appSurrey, Lambeth Weardale Iron and Coal Co v Hodson (Hodson clmt)  
county court clmt's app

Kent, Dartford Weeks v Perfect county court deft's app

Kent, Dartford Weeks v Birch county court deft's app

Middlesex, Bloomsbury Cripps v Case county court deft's app

Warwickshire, Birmingham In re Birmingham Telegraph Co county  
court Alabaster & Co Creds' appMet Pol Dist Stroud v Wandsworth District Board of Works Magis-  
trate's caseMiddlesex, Bloomsbury Hervey, Smith, & Co v Samuel county court  
Defendant's appealMiddlesex, Shoreditch London General Omnibus Co v Booth county  
court Defendant's appeal

Surrey, Croydon Wakeham v Joyce county court plaintiff's appeal

Met Pol Dist Edwards v Fulham Vestry Magistrate's case

Middlesex, Brompton Saywell v Bates county court Defendant's appeal

Essex, Waltham Abbey Applebee v Gumprecht county court plaintiff's  
appeal

Birmingham Bakewell v Davis Magistrate's case

Middlesex, Whitechapel Quilter v Wines (Smart, clmt) county court pl't's app  
 Dorsetshire, Blandford Farquharson v Morgan Summons for prohibition, referred to Divisional Court from Chambers  
 Staffordshire, Walsall Birch (on behalf, &c) v Peake county court pl't's app  
 Hertfordshire, Bishop Stortford Guarneris v Puckeridge Brewery Co county court  
 Dorsetshire, Wimborne Minster Squibb v Poore county court pl't's app  
 Surrey, Lambeth Meredith v Wood county court pl't's app  
 Hertfordshire, Hertford Cates v Puckeridge Brewery Co county court defts' app  
 Middlesex, Westminster Monahan v Billings & Co county court pl't's appeal  
 Hampshire, Portsmouth Olliver v Pigott county court pl't's app  
 Lancashire, Haslingden and Accrington Dean v Lancashire & Yorkshire Ry Co county court defts' app  
 Devonshire, East Stonehouse Blackwell v Jinkin county court defts' appeal  
 Surrey, Southwark Meeling v Vestry of St Mary, Newington county court defts' app  
 London Marshall & anr v Bluman & Stern county court defts' app  
 Brighton Blaker v Tillestone (Town Clerk of Brighton) Magistrate's case  
 Wolverhampton Morris v Askew Magistrate's case  
 Worcester Byrne v Brown Magistrate's case  
 Lancashire, Blackburn Slater v Byrom county court pl't's app  
 Surrey, Lambeth In re Frank county court Gustav Frank's app  
 Surrey, Lambeth Stocks v Turner county court pl't's app  
 Yorkshire, Bradford Drake v Greenwood county court pl't's app  
 Shropshire, Ludlow Russell v Pilsen county court pl't's app  
 London The Queen v Vestry of St Mary, Battersea (expte Stevens) Nisi for mandamus to construct drains  
 Hertfordshire, Hertford Gauldie v Puckeridge Brewery Co county court defts' app  
 Kent, Tunbridge Wells Steadman v Briggs (Cottingham clmt) county court clmt's app  
 Glamorganshire The Queen v Judge of Cardiff County Court and anr (expte Fielding & Co) Nisi to hear action  
 Hampshire, Newport Isle of Wight Central Ry Co v Hyams county court pl't's app  
 Durham Elder v Smithson Magistrate's case  
 London Rannie v Foster (trading &c) Appeal from chambers prohibition  
 London Maddison v Fortescue county court pl't's app  
 London Aylmer (trading, &c) v Foster county court pl't's app  
 Kent, Sevenoaks Fishenden v Dudding & anr (trading, &c) county court pl't's app  
 Middlesex, Clerkenwell Michael (trading, &c) v Gill county court pl't's app  
 Lancashire, Liverpool Simmonds, Hunt & anr v Ross county court defts' app  
 Glamorganshire, Pontypridd Thomas v Great Western Colliery Co county court defts' app  
 Westmoreland, Ambleside Chapman v Tyson county court defts' app  
 Sunderland Mayor, &c of Sunderland v Lockhart, Smith & Co Magistrate's case  
 Glamorganshire, Pontypridd Tucker Bros v Norman & Son county court pl't's app  
 Lancashire, Liverpool Simpson & anr v Mortgage Insurance Corp county court defts' app  
 London Paramor & Sons v Churchwardens, &c, of St Benet, Gracechurch Magistrate's case  
 Gloucestershire, Cheltenham Wheeler v Norman county court defts' appeal  
 London Robertson v Dowling & Son county court defts' app  
 Middlesex Midland Ry Co v Edmonton Union Quarter Sessions appl't's special case Nisi to quash order  
 Cornwall Edwards v Cock Magistrate's case  
 Halifax Travis v Utley Magistrate's case  
 Sussex Bond v Plumb Magistrate's case  
 Sussex Same v Same Magistrate's case  
 Lancashire, Rochdale In re an appln under the Agricultural Holdings Act, 1883 Ingham v Fenton county court tenant's app  
 Lancashire, Rochdale In re an appln under the Agricultural Holdings Act, 1883 Robinson v Same county court tenant's app  
 Met Pol Dist Colclough v Edwards Magistrate's case  
 Southampton The Queen v The Commissioners of Taxes for the Petersfield Division (expte W Wood) Nisi for mandamus to certify under Tithe Act, 1891  
 Met Pol Dist Wendon v The London County Council Magistrate's case

## REVENUE PAPER.

For Hearing.

Causes by English Information.

Attorney-Gen v Felce & anr  
 Attorney-Gen v Worrall  
 Attorney-Gen v Llandillo Commissioners (since dissolved) & ors  
 Attorney-Gen v Jacobs-Smith & ors  
 Attorney-Gen v Rev William Booth

## Petitions.

In re Duty on the Estate of the late Sir T. Gresham and In re Customs and Inland Revenue Act, 1885

In re Succession Duty on the Estate of R Berridge, dec, and In re Succession Duty Act (16 & 17 Viet c 51)

## Cases Stated as to Income Tax, House, and Stamp Duties.

The Anglo-Continental (late Ollendorf's) Guano Works, Applts, and Bell (Surveyor of Taxes), Resp't  
 Rothschild & Sons, Applts, and The Commissioners of Inland Revenue, Resp'ts  
 Lord Walsingham, applt, and Styles (Surveyor of Taxes), resp't  
 Clark (Surveyor of Taxes), applt, and Caulcutt, resp't  
 Smith (Surveyor of Taxes), applt, and The Tonic Sol-Fa College, resp'ts  
 Morant (Surveyor of Taxes), applt, and The Wheal Grenville Mining Co, resp'ts  
 Lord Mostyn, applt, and London (Surveyor of Taxes), resp't  
 Davidge, applt, and Smith (Surveyor of Taxes), resp't

## BIRTHS, MARRIAGES, AND DEATHS.

## BIRTHS.

DOVASTON.—Oct. 21, the wife of William Daniel Dovaston, solicitor, Shrewsbury, of a son.  
 RUSSELL.—Sept. 25, at Bangalore, South India, the wife of C. E. M. Russell, barrister-at-law, Mysore Forest Department, of a daughter (prematurely), stillborn.

## DEATHS.

FOOTE.—Oct. 17, at Swindon, William Foote, solicitor, aged 75.  
 SHARPE.—Oct. 23, at St. Leonards-on-Sea, Arthur Cyril Sharpe, late of Farnival's Inn and Surbiton, aged 50.

STAMMERERS of all ages, and parents of stammering children should read a book written by a gentleman who cured himself after suffering nearly forty years. Post-free for thirteen stamps from Mr. B. BEARLEY, Brampton-park, Huntingdon, or "Sherwood," Willesden-lane, Brondesbury, London.

WARNING TO INTENDING HOUSE PURCHASERS & LESSORS.—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 65, next the Meteorological Office, Victoria-st., Westminster (Teleb. 1075), who also undertake the Ventilation of Offices, &c. —[ADVT.]

## WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 20.

## JOINT STOCK COMPANIES.

## LIMITED IN CHANCERY.

BRIGHTON AND COUNTY CLUB, LIMITED.—Creditors are required, on or before Nov 15, to send their names and addresses, and particulars of their debts or claims, to Frederick George Clark, 56, Ship st., Brighton. Verrall & Borlase, Brighton, solms for liquidator.  
 WARRER, MACHINE, NAILER, AND WOODWORK MACHINERY, LIMITED.—Creditors are required, on or before Nov 15, to send their names and addresses, and particulars of their debts or claims, to Thomas Scott, 64, Stanley st., Liverpool.

## UNLIMITED IN CHANCERY.

BIRMINGHAM COMPRESSED AIR POWER CO.—Creditors are required, on or before Nov 20, to send their names and addresses, and particulars of their debts or claims, to Arthur John Davis, 31, Foultry, or to Archibald Somerville Bennett, 25, Temple row, Birmingham.  
 Webb & Co, Queen Victoria st, solms for liquidators

London Gazette.—TUESDAY, Oct. 24.

## JOINT STOCK COMPANIES.

## LIMITED IN CHANCERY.

AMPHLETT HUMPHREYS, LIMITED.—Creditors are required, on or before Nov 21, to send their names and addresses, and particulars of their debts or claims, to Thomas Davidge Ashplant, 39, Warwick lane

BROOKFIELD SOCIAL CLUB, LIMITED.—Creditors are required, on or before Dec 4, to send their names and addresses, and particulars of their debts or claims, to George Samuel Oldam, 30, The Temple, Dale st., Liverpool. Snowball & Co, Liverpool, solms for liquidator

CARLISLE AND COUNTY SANITARY STEAM LAUNDRY CO, LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of their debts or claims, to James Watson and James Watson, jun, Devonshire bldg., Carlisle. Sewall, Carlisle, solms for liquidators

F. & I. BUTTERFIELD & CO, LIMITED.—Creditors are required, on or before Dec 6, to send their names and addresses, and particulars of their debts or claims, to Jonathan Whitley, Temple bldg., Keighley. Spencer & Clarkson, Keighley, solms for liquidator

GREAT ARCOATS FLAX AND HEMP SPINNING CO, LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of their debts or claims, to Walter Walthman de Vigent Caddell, 32, Kennedy st., Manchester

LISBURN MINES CO, LIMITED.—Creditors are required, on or before Nov 20, to send their names and addresses, and particulars of their debts or claims, to William Frederick Garland and Frederick Herbert Williams

NORTH CUMBERLAND REFORMER CO, LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of their debts or claims, to Henry Etchells, 21, West Tower st., Carlisle. Sewall, Carlisle, solms for liquidator

## CREDITORS' NOTICES.

UNDER 22 &amp; 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Oct. 10.

ANDERTON, FRANCIS, Streteford, nr Manchester, Merchant Dec 1 Rowcliffe & Co, Manchester

ARNOLD, HENRY, Leicester, retired Licensed Victualler Nov 14 Wright & Son, Leicester

BAMFORD, ROBERT, Totbury, Clerk in Holy Orders Nov 20 Little & Mills, Stratford

BARKEE, THOMAS, Hanger lane, Ealing Nov 20 Mitchell, Bedford row and Ealing East

BIRT, ISAIAH, South Brent, Devon, Gent Nov 17 Adams & Croft, Plymouth

BOSCOE, RICHARD, Moberley, co Chester, Farmer Nov 1 Finkstone, Radcliffe Bridge, Lancs



WES, CHARLES JOHN, Tyranny, Ohio, Surgeon NOV 6 1890

JONES, ROBERT, Little Newton, co Chester, Farmer Dec 1 Ayton & Co, Liverpool  
 KIRKMAN, THOMAS, Liverpool, retired Warehouseman Dec 20 Browne, Warrington  
 LEIGH, ADAM, Gladeston, New South Wales, Merchant Jan 22 E W & R Oliver, Corbet  
 at, Gracechurch st  
 MACORD, JANE, Broadstairs, Kent Nov 18 F E Smith & Sons, Aldergate st  
 MAY, AUGUSTUS WAKEFORD, Russell sq, Solicitor Nov 25 Goody, Gt James st, Bedford  
 row  
 MELLOR, WRIGHT, Huddersfield, Esq Nov 25 A & J E Fletcher, Northwich  
 MILNE, WILLIAM EDWARDS, Eastbourne, Gent Nov 20 Langham & Son, Eastbourne  
 MITCHELL, EDWIN, Littlehampton, Sussex, Blacksmith Nov 18 Holmes & Co, Little-  
 hampton  
 MOORE, JAMES FRANCIS, Higher Ardwick, Manchester, Auctioneer Nov 20 Heath &  
 Sons, Manchester  
 MORGAN, JAMES, Maindee, Newport, Gent Dec 30 Pain, Newport, Mon  
 MURRAY, JANE, Fallowfield, nr Manchester Nov 18 Chew & Co, Manchester  
 NELSON, Lieutenant-General Sir ALEXANDER ABERCROMBY, KCB, Reading Nov 30  
 Vanderpump & Son, Gray's inn sq  
 PARROTT, HENRY OAKLEY, Ramsgate Nov 30 Gillman, Southampton st, High Holborn  
 PARRY, THOMAS PRYCE, Oswestry, Salop, Gent Dec 1 Minshalls & Parry-Jones, Oswestry  
 PILKINGTON, ROBERT, Healey, Rochdale, Cotton Warper Nov 23 Wiles, Rochdale  
 PLANT, RUTH, Glossop, co Derby Dec 1 Davis, Glossop  
 PLANT, WILLIAM, Glossop, Tin Plate Worker Dec 1 Davis, Glossop  
 PRICE, ALBERT, Worthing, Sussex Nov 1 Taylor, Essex st, Strand  
 RAFFLES, JOHN, Middlesborough, Grocer Dec 1 Sill, Middlesborough  
 ROBERTS, JOSEPH EDWARD, Holmfirth, Yorks, Gent Nov 25 Piercy, Huddersfield  
 SOWTER, EMMA, Derby Nov 23 J. & H. F. Gadaby & Coxon, Derby  
 STON, THOMASINE MARY, St Martin's Baron, co Northampton Nov 24 Smith & Co,  
 Horbling  
 TURNER, JOHN WOODS, Heyahot, Sussex, Gent Nov 18 Johnson & Son, Midhurst  
 TURNER, WILLIAM EVANS, Bridport, Dorset, Carrier Jan 6 Tucker, junr, Bridport  
 VEEVERS, AMERSON, Fallowfield, Manchester Dec 1 Lawson & Co, Manchester  
 VEEVERS, THOMAS, Burnley, Gent Nov 24 Artindale & Southern, Burnley  
 VENABLES, JAMES, Fallowfield, nr Manchester, Gardener Nov 25 Johnson & Dawson,  
 Manchester  
 WARBURG, SIMON, Bassett rd, North Kensington Nov 17 Budd & Co, Austinfrs  
 WILSON, HARRIETT, Sheffield Nov 30 Creswick, Sheffield  
 WRIGHT, LYDIA FRANCES, Woodhouse Eaves, Leeds Dec 6 Hodgkinson, Newark on Trent

*London Gazette.*—TUESDAY, Oct. 24.

ADAMS, CHARLOTTE, Little Hulton, Lancs Nov 30 Griffiths & Bowden, Manchester and  
 Patricroft  
 ALLAN, WILLIAM, Dudley, Draper Nov 18 A. G. & S. Hooper, Dudley  
 ASTIN, EDWARD JOSEPH, Manchester, Innkeeper Nov 30 Dixon & Linnell, Manchester  
 ATKINSON, WILLIAM, York, Insurance Agent Dec 4 Turner, York  
 BAYLIS, ELIZA, Birmingham Nov 30 Jeffrey, Birmingham  
 BECKETT, JOHN, Broomwood rd, Wandsworth Common, Gent Nov 25 Young & Co,  
 St Mildred's ct, Poultry  
 BENNETT, ROBERT CHRISTIE, Weymouth, Architect Dec 1 Bowen & Symes, Weymouth  
 CHILDS, MATILDA, Great Yarmouth, Lodging-house Proprietress Dec 5 Pettitt, King's  
 Arms yard  
 COOPER, CATHARINE, Langdon Park rd, Highgate Nov 30 Davies & Lea, Sherborne lane

# BANKRUPTCY NOTICES.

*London Gazette.*—FRIDAY, Oct. 20.

## RECEIVING ORDERS.

ARMSTRONG, JAMES CHARLES, Birmingham, Grocer Bir-  
 mingham Pet Oct 17 Ord Oct 17  
 BAKER, JAMES, Bartow in Furness, Greengrocer Bartow in  
 Furness Pet Oct 17 Ord Oct 17  
 BATES, WILLIAM, Lincoln, Butcher Lincoln Pet Oct 16  
 Ord Oct 16  
 BAUGHAN, WILLIAM FREDERICK, Acacia gdn, St John's  
 Wood, Gent High Court Pet Aug 22 Ord Oct 17  
 CHADLER, ERNEST ARTHUR, Finsfield grove, Sydenham  
 Hill, Kent, Clerk to Cook & Son, Tourist Agents  
 Greenwich Pet Oct 17 Ord Oct 17  
 CHAPPELL, JOHN THOMAS, Lupus st, Fimlico, Builder High  
 Court Pet Oct 18 Ord Oct 18  
 CLARKE, WILLIAM, Macclesfield, Butcher Macclesfield Pet  
 Oct 17 Ord Oct 17  
 COLES, SYDNEY GEORGE RANDOLPH, Eastbourne, Pro-  
 fessor of Music Eastbourne Pet Oct 16 Ord  
 Oct 16  
 COLLIS, FLORENCE EMMA, Kettering, Coal Merchant North-  
 ampton Pet Oct 14 Ord Oct 14  
 COOKLEY, SIDNEY ALBERT, Barry, Glam, Dairyman Cardiff  
 Pet Oct 17 Ord Oct 17  
 CRADDOCK, SIDNEY WILLIAM, Kenot, Oxon, Farmer Oxford  
 Pet Oct 16 Ord Oct 16  
 DAVIES, GEORGE, Welford, nr Stratford on Avon, Innkeeper  
 Warwick Pet Oct 18 Ord Oct 18  
 DAVIES, HENRY JOHN, Fossewaydd, Mon, Builder New-  
 port, Mon Pet Oct 2 Ord Oct 16  
 DAVIES, JOHN, Saltmead, Cardiff, Carpenter Cardiff Pet  
 Oct 18 Ord Oct 18  
 EIGHTON, EDWARD HENRY, Reading, Fishmonger Read-  
 ing Pet Oct 18 Ord Oct 18  
 FARNSWORTH, JAMES, Gorton, nr Manchester, Contractor  
 Liverpool Pet Sept 30 Ord Oct 16  
 FIELD, JOSEPH, Huddersfield, Monumental Sculptor Hud-  
 dersfield Pet Oct 17 Ord Oct 17

FISK, SAMUEL HENRY, East Greenwich, Cartman Green-  
 wich Pet Sept 30 Ord Oct 17  
 GWYNNE, THOMAS, Brynmawr, Brecknock, Grocer Trede-  
 gar Pet Oct 14 Ord Oct 16  
 HACKER, WILLIAM, Mere, Wilts, Licensed Victualler Sali-  
 bury Pet Oct 18 Ord Oct 16  
 HINDLE, JAMES, Haslingden, Lancs, Cotton Waste Dealer  
 Blackburn Pet Oct 17 Ord Oct 17  
 HOUGH, JOHN, Derby, Farrier Derby Pet Oct 16 Ord  
 Oct 16  
 JONES, RICHARD THOMAS, Trebarris, Glam, Bootmaker  
 Merthyr Tydfil Pet Oct 16 Ord Oct 16  
 KIRKUP, JOHN GEORGE, Darlington, formerly Solicitor's  
 Clerk Stockton on Tees and Middlesborough Pet Oct  
 17 Ord Oct 17  
 LATTON, JOHN, Birmingham, Egg Merchant Birmingham  
 Pet Oct 17 Ord Oct 17  
 LEBRON, WILLIAM TANSLEY, and GEORGE WILLIAM TANSLEY  
 LEBRON, Colchester, Warwickshire, Turret Clock Manu-  
 facturers Birmingham Pet Oct 18 Ord Oct 18  
 LEWIS, MORRIS, Plymouth, Commission Agent Plymouth  
 Pet Oct 12 Ord Oct 12  
 MACKENZIE, EDWARD, Chingford, Wine Traveller Edmon-  
 son Pet Aug 24 Ord Oct 15  
 MAYNFIELD, JOSEPH FOSTER, York, Machine Knitter  
 York Pet Oct 17 Ord Oct 17  
 MESSITER, DANIEL, Nuneaton, Umbrella Maker Coventry  
 Pet Oct 18 Ord Oct 18  
 MILLS, DANIEL, Horley, Glos, Baker Gloucester Pet Oct  
 16 Ord Oct 16  
 MILLS, GEORGE FREDERICK, Sheffield, Joiner Sheffield Pet  
 Oct 6 Ord Oct 18  
 MORLEY, JOHN JACOB EDWARD, Belmont rd, Tottenham,  
 Furniture Salesman Edmonton Pet Oct 18 Ord  
 Oct 18  
 NEILL, ARCHIBALD, Leeds, Architect Leeds Pet Oct 11  
 Ord Oct 14  
 NELSON, THOMAS MORICE, East Stonehouse, Devon, Captain  
 in Marine Light Infantry Canterbury Pet Sept 27  
 Ord Oct 13

NICKLINSON, ERNEST, Kentish Town rd, Butcher High  
 Court Pet Sept 30 Ord Oct 18  
 PAYNE, W G, Dover, Tailor Canterbury Pet Sept 23  
 Ord Oct 13  
 PYE, WILLIAM (jun), Preston, Timber Merchant Preston  
 Pet Oct 16 Ord Oct 16  
 RAILTON, WILLIAM, Liverpool, Jeweller Liverpool Pet  
 Oct 16 Ord Oct 16  
 ROGERS, WILLIAM, Plymouth, Dyer Plymouth Pet Oct 16  
 Ord Oct 16  
 SADLER, THOMAS, Long lane, Bermondsey, Wire Worker  
 High Court Pet Oct 17 Ord Oct 17  
 SEARL, WALTER, Kidderminster, Licensed Victualler Kid-  
 derminster Pet Oct 14 Ord Oct 14  
 SNEYD, WILLIAM CHARLES, Berwick st, Oxford st, late  
 Boardhouse Keeper High Court Pet Sept 30 Ord  
 Oct 16  
 SMITH, WILLIAM BAYLIS, and FRANCIS JOHN DAGLEY,  
 Banbury, Oxon, Drapers Banbury Pet Oct 16 Ord  
 Oct 17  
 SPOTHILL, GEORGE HENRY, Holbeck, Leeds, late Cloth  
 Fuller Leeds Pet Oct 16 Ord Oct 16  
 STARR, ISRAEL, Trudoxhill, nr Frome, Somerset, formerly  
 Baker Frome Pet Oct 16 Ord Oct 16  
 SYLVESTER, THOMAS, Harrogate, Circus Proprietor York  
 Pet Oct 3 Ord Oct 16  
 TAYLOR, WILLIAM ROBERT, Azomb, Yorks, Draper York  
 Pet Oct 17 Ord Oct 17  
 TREGER, ADOLPHUS GUSTAV, Manchester, Slipper Manu-  
 facturer Manchester Pet Oct 16 Ord Oct 16  
 TUCKER, CHARLES, Greenwich, Machinery Dealer Green-  
 wich Pet Sept 30 Ord Oct 17  
 WHITTAKER, JOSEPH, Bolton, Cycle Agent Bolton Pet  
 Oct 18 Ord Oct 18

The following amended notice is substituted for that pub-  
 lished in the London Gazette of Oct 13:—  
 LOFTHOUSE, CHARLES, Sheffield, Mineral Water Manu-  
 facturer Sheffield Pet Oct 9 Ord Oct 9

COOPER, CHARLOTTE, Lame grove, Birmingham Jan 1 Byrch & Cox, Evesham  
 DALE, EMANUEL WHITWELL, York Dec 4 Turner, York  
 DARLING, CHARLES GEORGE, Gt St Thomas Apostl, Queen st, Printer Nov 30 Kays &  
 Guedalla, Essex st, Strand  
 DAVISON, WILLIAM, Newcastle upon Tyne, Shipping Clerk Nov 11 Mather & Co, New-  
 castle upon Tyne  
 DILLWYN-LLEWELLYN, WILLIAM, Penllegae, Glam, Esq Nov 25 James, Swansea  
 DOWDSEWELL, JOHN MUNDAY, Pull Court, nr Tewkesbury, Captain in H M's Army Dec  
 5 Jull & Godfrey, Queen Anne's gate, Westminster  
 EARLE, EDWARD, Kingston upon Hull, Merchant Dec 1 Holden & Co, Hull  
 EVANS, CHARLES EDWARD HOLMES, Brynhyfryd, Llanfyllin, Montgomery, Auctioneer  
 Nov 18 Fughe, Llanfyllin  
 FOOT, JEFFERY ROBERT, Burton on Trent, Clerk in Holy Orders Nov 8 Prideaux & Sons,  
 Goldsmith's Hall  
 GLEED, WILLIAM JAMES, Ipswich, Coal Merchant Nov 23 Jennings, Felixstowe  
 GOULD, CHARLES, Monte Video, Uruguay, Esq Dec 31 A F & R W Tweedie, Lincoln's  
 inn fields  
 HANBURY, LOUISA EMILY PRISCILLA, St Luke's rd, Westbourne pk Dec 6 Cobbold & Co,  
 Ipswich  
 HUGGAS, THOMAS, Pudsey, Yorks, Woollen Cloth Manufacturer Nov 20 Lupton &  
 Fawcett, Leeds  
 JOHNSTONE, JOHN, Willoughby rd, Hampstead, Esq Dec 1 Griffith & Co, George st,  
 Mansion House, and Brighton  
 JONES, RICHARD, Manchester, Warehouseman Nov 1 Peacock & Jaques, Manchester  
 KERR, THOMAS PACET, Farley Hungerford, Somerset, Clerk in Holy Orders Nov 21  
 Kinner & Tomba, Swindon  
 LAMB, RICHARD ALBERT SHIELDS, Hogarth rd, Earl's Court, Gent Nov 27 Stallard &  
 Turner, Bedford row  
 LEVETT, ALFRED, Norwich, Licensed Victualler Dec 20 Sudd & Bacon, Norwich  
 MACORD, JANE, Broadstairs, Kent, Widow Nov 18 F R Smith & Sons, Aldergate st  
 MANCHIP, FRANCIS, Wembdon, Somerset, Tailor Nov 22 Brice, Bridgwater  
 SCHERRER, WILHELM, Cannstatt, Germany, Bank Official Nov 18 Rehders & Higge,  
 Minding lane  
 SIMPSON, ANNIE KNOX CAMPBELL, Burlington rd, Westbourne pk Nov 20 Murray  
 Clement's inn, Strand  
 SMITH, DAVID, West Gorton, Manchester, Mechanic Nov 23 Peacock & Jaques,  
 Manchester  
 SKITH, FRANCES, Allington st, Cornwall rd, Brixton hill Nov 24 Grundy & Co, Queen  
 Victoria st  
 STANDALOFF, MARY, Louth, Lines Nov 30 Bell & Co, Louth  
 STARK, ALFRED EDWARD, Coniger rd, Parson's Green Nov 30 Sherry, Raymond bldg,  
 Gray's inn  
 STONE, GEORGE JOHN, Surbiton Hill, Esq Dec 1 Walters & Co, New sq, Lincoln's inn  
 TOWSEND, GEORGE, Fordham, Cambs, Farmer Nov 24 Ellison, Cambridge  
 UNWIN, JOHN GEALE, Cainscross Vicarage, nr Stroud, Glos, Clerk in Holy Orders Nov  
 30 Croome & Co, Stroud  
 WADSWORTH, WILLIAM, Moody st, Mile End Old Town, Cordial Manufacturer N 23  
 Avenue, Chancery lane  
 WALLINGFORD, EDWARD ALFRED, St Ives, Hunts, Solicitor Nov 21 Montagu & Co,  
 Gray's inn sq  
 WHITLEY, EDWARD, Bighouse, Yorks, Cotton Spinner Dec 1 Farniss, Brig's gate  
 WIRLOBYCKI, SEVERIN, Acacia rd, St John's Wood, Doctor of Medicine Dec 1 Francis,  
 Marylebone rd  
 WIGHTMAN, MARGARET, Doncaster Jan 27 Parkin & Co, Doncaster  
 WILLIAMS, WILLIAM, Merthyr Tydfil, Tailor Nov 24 Lewis & Jones, Merthyr Tydfil  
 WILLS, GEORGE THOMAS, Heigham, Norwich Dec 20 Sudd & Bacon, Norwich  
 WOOD, SOPHIA SUSANNAH, Slough, Bucks Dec 1 Ivimey, Temple chambers, Temple  
 WRIGHT, WILLIAM ANTHONY, South Molton st, Oxford st, Gent Dec 23 Pettitt, King's  
 Arms yard



## ORDER RESCINDING RECEIVING ORDER.

NEWMAN, WILLIAM, Formosa st, Malda Hill, Financial Agent High Court Rec Ord July 19 Resc Oct 18

## FIRST MEETINGS.

RANER, MARK, Blackburn, Joiner Nov 8 at 1.30 County Court-house, Blackburn

BAUGHAN, WILLIAM FRANKRIDGE, Ascacia grove, St John's Wood, Gent Oct 27 at 12 Bankruptcy bldg, Carey st

BROADBENT, JOHN WILLIAM, Liverpool, Engineer Oct 31 at 3 Off Rec, 36, Victoria st, Liverpool

CLEAVE, GEORGE, Kettering, Shoes Manufacturer Oct 28 at 12.30 County Court bldg, Northampton

DATKIN, SAMUEL HENRY, Nottingham, formerly Cattle Dealer Oct 27 at 12 Off Rec, St Peter's Church walk, Nottingham

DOUGER, EDWARD JOHN, Bermondsey New rd, Confectioner Oct 27 at 11 Bankruptcy bldg, Carey st

DYKE, ALEXANDER, Salisbury, Saddler Oct 28 at 11 Off Rec, Salisbury

EARP, GEORGE, Newport, Salop, General Dealer Nov 9 at 11.30 CH Wright, St Martin's place, Stafford

EVANS, JOHN REES, Brynhytyrd, Swansea, Builder Oct 27 at 12 Off Rec, 31, Alexandra rd, Swansea

FIELD, JOSEPH, Huddersfield, Monumental Sculptor Oct 31 at 3 Off Rec, 6, Queen st, Huddersfield

GOVEY, MARGARET, Scarborough, Dressmaker Oct 30 at 11.30 Off Rec, 74, Newborough st, Scarborough

HARDING, JAMES, St Albans, Dairyman Oct 30 at 12 G Annesley, Solicitor, Verulam rd, St Albans

HAYWARD, THOMAS, Northleach, Glos, Grocer Oct 28 at 4 County Court bldg, Cheltenham

HODGSON, WILLIAM LAMPFOLK, Flamborough, Yorks, Innkeeper Oct 27 at 3 Off Rec, 74, Newborough st, Scarborough

HOOD, JOHN (sen), JOHN HOOD (jun), JAMES THOMPSON BROWNLOW, and ROBERT WILLIAM HOOD, Newcastle on Tyne, Fruiters Oct 30 at 12 Off Rec, Pink lane, Newcastle on Tyne

HUGH, JOHN, Derby, Farrier Oct 27 at 12 Off Rec, St James's chambers, Derby

HULL, THOMAS, and HIRSH RUSSELL, St Albans, Painters Oct 30 at 1 G Annesley, Solicitor, Verulam rd, St Albans

JARVIS, JAMES, Scarborough, Toy Dealer Oct 27 at 11 Off Rec, 74, Newborough st, Scarborough

JONES, WILLIAM ROBERTS, Chester, Draper Oct 31 at 12 Off Rec, Ugen's chambers, Bridge st, Manchester

JORDAN, REUBEN JACOB, Rylett rd, Shepherd's Bush, of no occupation Oct 27 at 1 Bankruptcy bldg, Carey st

LEWIS, GEORGE, Pembroke Dock, Carpenter Nov 1 at 12.30 Temperance Hall, Pembroke Dock

LEWIS MORRIS, Plymouth, Commission Agent Oct 27 at 11.30 Off Rec, 15, Osborne st, Plymouth

MANDEFIELD, JOSEPH FOSTER, York, Machine Knitter Oct 31 at 11.30 Off Rec, 28, Stonegate, York

MILLS, DANIEL, Hoveley, Glos, Baker Oct 31 at 11 Off Rec, 15, King st, Gloucester

MILNES, CHARLES, Derby, late Baker Oct 27 at 2.30 Off Rec, St James's chambers, Derby

MOSE, CHARLES MORRIS, Liverpool, Estate Agent Oct 30 at 3 Off Rec, 35, Victoria st, Liverpool

PICKARD, HARRIET, Barton upon Humber, Builder Oct 28 at 11.30 Off Rec, 15, Osborne st, Great Grimsby

PRICE, THOMAS DAVIS, Fore st, Woolen Merchant Oct 27 at 2.30 Bankruptcy bldg, Carey st

PURVES, JOHN, Scarborough, Fancy Goods Dealer Oct 27 at 11.30 Off Rec, 74, Newborough st, Scarborough

RANSON, THOMAS, East Boldon, co Durham, Engineer Oct 30 at 11.30 Off Rec, Pink lane, Newcastle on Tyne

SEAD, ALFRED, Scarborough, Draper Oct 30 at 3 Off Rec, 74, Newborough st, Scarborough

SHIRWALL, LEVI, South Shields, late Grocer Oct 27 at 11 Off Rec, 22, Park row, Leeds

SYLVESTER, THOMAS, Harrogate, Circus Proprietor Oct 30 at 12.30 Off Rec, 28, Stonegate, York

TAYLOR, WILLIAM ROBERT, Acomb, Yorks, Draper Oct 31 at 12.30 Off Rec, 28, Stonegate, York

WANTER, HENRY, Vassall rd, Brixton, Wine Merchant Oct 27 at 3.30 Bankruptcy bldg, Carey st

WHITE, CORNELIUS, Mosser West End, Hants, Grocer Oct 27 at 12 Queen's Hotel, Reading

WILLIAMS, WILLIAM, Swansea, Builder Oct 30 at 12 Off Rec, 31, Alexandra rd, Swansea

WOOLLS, JOHN EDMUND, Gt Grimsby, late Smackowner Oct 28 at 11 Off Rec, 15, Osborne st, Gt Grimsby

YATES, EDWARD, Rhoelancroft, Guisborough, Denbighshire, Grocer Oct 27 at 2.30 Crypt chambers, Chester

YOUNG, COWPER, Heavitree, re Exeter, Commercial Traveller Oct 27 at 10.30 Off Rec, 13, Bedford circus, Exeter

## ADJUDICATIONS.

ARMSTRONG, JAMES CHARLES, Birmingham Grocer Birmingham Pet Oct 17 Ord Oct 17

BAKER, JAMES, Barrow in Furness, Greengrocer Barrow in Furness Pet Oct 17 Ord Oct 17

BATES, HENRY, Halesville rd, Canning Town, Grocer High Court Pet Oct 10 Ord Oct 14

BATES, WILLIAM, Lincoln, Butcher Lincoln Pet Oct 16 Ord Oct 16

BROADBENT, JOHN WILLIAM, Liverpool, Engineer Liverpool Pet Sept 28 Ord Oct 18

CHANDLER, ERNEST ARTHUR, Fransfield grove, Sydenham Hill, Kent, Clerk to Cook & Son, Tourist Agents Greenwich Pet Oct 17 Ord Oct 17

CHANEY, JOHN, Battersea rise, Surrey, Music Hall Manager Rochester Pet Aug 31 Ord Oct 16

CLARKE, WILLIAM, Manchester, Butcher Macclesfield Pet Oct 17 Ord Oct 17

COLLIS, FLORENCE EDNA, Kettering, Coal Merchant Northampton Pet Oct 18 Ord Oct 18

COUNSELY, SIDNEY ALBERT, Barry, Glam, Dairyman Cardiff Pet Oct 16 Ord Oct 17

DAVIES, GEORGE, Welford, nr Stratford on Avon, Innkeeper Warwick Pet Oct 18 Ord Oct 18

DAVIES, HENRY JOHN, Pontnewydd, Mon, Builder Newport, Mon Pet Sept 30 Ord Oct 13

DAVIES, JOHN, Saltmead, Cardiff, Carpenter Cardiff Pet Oct 18 Ord Oct 18

DOIDGE, EDWARD JOHN, Bermondsey New rd, Confectioner High Court Pet Sept 28 Ord Oct 17

EDGERTON, JOHN, Ramsey rd, Forest Gate, Builder High Court Pet Sept 7 Ord Oct 17

EIGHTHORN, EDWARD HENRY, Reading, Fishmonger Reading Pet Oct 18 Ord Oct 18

FRATHERSTONE, CHARLES WALTER, Bristol, Cooper Bristol Pet Oct 11 Ord Oct 16

FIELD, JOSEPH, Huddersfield, Monumental Sculptor Huddersfield Pet Oct 17 Ord Oct 17

GWYNNE, THOMAS, Brynhytyrd, Brecknock, Grocer Tredegar Pet Oct 14 Ord Oct 16

HACKER, WILLIAM, Mere, Wilts, Licensed Victualler Salisbury Pet Oct 16 Ord Oct 16

HILL, THOMAS, Highbridge, Somerset, Butcher Bridgewater Pet Sept 18 Ord Oct 17

HINDLE, JAMES, Haslingden, Lancs, Cotton Waste Dealer Blackburn Pet Oct 17 Ord Oct 17

HUGH, JOHN, Derby, Farrier Derby Pet Oct 16 Ord Oct 17

JONES, RICHARD THOMAS, Trebarrs, Glam, Bootmaker Merthyr Tydfil Pet Oct 10 Ord Oct 16

JORDAN, REUBEN JACOB, Rylett rd, Shepherd's Bush, of no occupation High Court Pet Oct 12 Ord Oct 15

KIRKPOT, JOHN GEORGE, Darlington, formerly Solicitor's Clerk Stockton on Tees and Middlesbrough Pet Oct 17 Ord Oct 17

LEWIS, MORRIS, Plymouth, Commission Agent Plymouth Pet Oct 10 Ord Oct 12

MAIN, CHARLES PARSONS, Irthlingborough Grange, Northants, Farmer Northampton Pet Aug 18 Ord Oct 5

MANDEFIELD, JOSEPH FOSTER, York, Machine Knitter York Pet Oct 17 Ord Oct 17

MESSETER, DANIEL, Nuneaton, Umbrella Maker Coventry Pet Oct 18 Ord Oct 18

MILLS, DANIEL, Hoveley, Glos, Baker Gloucester Pet Oct 16 Ord Oct 16

MORLEY, JOHN JACOB EDWARD, Belmont rd, Tottenham, Furniture Salesman Edmonton Pet Oct 18 Ord Oct 18

NIELL, ARCHIBALD, Leeds, Architect Leeds Pet Oct 14 Ord Oct 14

POTTER, JAMES, Cardiff, Grocer Cardiff Pet Oct 10 Ord Oct 10

PRESTON, ERNEST HADLEY, Hackney rd, Family Miller High Court Pet Oct 11 Ord Oct 11

PYE, WILLIAM (jun), Preston, Timber Merchant Preston Pet Oct 16 Ord Oct 16

ROGERS, WILLIAM, Plymouth, Dyer Plymouth Pet Oct 13 Ord Oct 16

SADLER, THOMAS, Long lane, Bermondsey, Wireworker High Court Pet Oct 17 Ord Oct 17

SOOTHILL, GEORGE HENRY, Holbeck, Leeds, late Cloth Fuller Leeds Pet Oct 16 Ord Oct 16

STARR, ISRAEL, Tividale, nr Frome, Somerset, formerly Baker Frome Pet Oct 16 Ord Oct 16

SUDEN, CHARLES, Newgate st, Fabric Furnisher High Court Pet Oct 12 Ord Oct 14

SYLVESTER, THOMAS, Harrogate, Circus Proprietor York Pet Oct 3 Ord Oct 17

TAYLOR, WILLIAM ROBERT, Acomb, Yorks, Draper York Pet Oct 17 Ord Oct 17

TROGER, ADOLPHUS GUSTAV, Manchester, Slipper Manufacturer Manchester Pet Oct 16 Ord Oct 16

TURNER, JOHN (jun), High Wycombe, Bucks, Coal Merchant Aylesbury Pet Sept 23 Ord Oct 18

TURPIN, DAVID, North Shields, Steamship Owner Newcastle on Tyne Pet Sept 18 Ord Oct 11

WHITTAKER, JOSEPH, Bolton, Cycle Agent Bolton Pet Oct 15 Ord Oct 15

WIKES, JOHN WILLIAM, Maroon st, Limehouse, Carman High Court Pet Aug 24 Ord Oct 14

London Gazette—TUESDAY, Oct. 24.

## RECEIVING ORDERS.

BARCLAM, FRANK, Dudley, Ironfounder Dudley Pet Oct 10 Ord Oct 10

BARRADILL, PERCY RUSSELL, Wolverhampton, Clothier Wolverhampton Pet Oct 18 Ord Oct 18

BATHAM, AMELIA, and LUCY BATHAM, Birkdale, Lancs, Schoolmistresses Liverpool Pet Oct 19 Ord Oct 19

BECKETT, S, late of Bristol, Licensed Victualler Bristol Pet Oct 17 Ord Oct 19

BLACKBURN, SAMUEL, Bradford, Wholesale Confectioner Bradford Pet Oct 21 Ord Oct 21

BOULTON, WILLIAM, Manchester, Metal Dealer Manchester Pet Oct 21 Ord Oct 21

BUCKINGHAM, ARTHUR EDWARD, Ormskirk rd, Harrow rd, late Butcher High Court Pet Oct 19 Ord Oct 19

CLAYTON, SAMUEL DAVID, Barnsley, Confectioner Barnsley Pet Oct 20 Ord Oct 20

COLE, RICHARD GEORGE, Neyland, Pembro, Builder, Pembroke Dock Pet Oct 19 Ord Oct 19

COWARD, JAMES, Kendal, Schoolmaster Kendal Pet Oct 19 Ord Oct 19

CROSBY, THOMAS, Halifax, Butcher's Assistant Halifax Pet Oct 18 Ord Oct 19

CUMMINS, JOHN, Newtown, Newent, Glos, Farmer Gloucester Pet Oct 21 Ord Oct 21

DAWSON, WILLIAM, Burnley, Builder's Labourer Burnley Pet Oct 20 Ord Oct 20

ELLIOTT, H W, late London Wall High Court Pet Sept 13 Ord Oct 20

FOARD, FREDERICK, Petworth, Sussex, Innkeeper Brighton Pet Oct 19 Ord Oct 19

GRAHAM, WALLACE HENRY, Epsom, Surrey, Cycle Repairer Croydon Pet Oct 18 Ord Oct 18

GREAVES, BRUCE, Workshop, Notts, late Nursewoman Sheffield Pet Oct 3 Ord Oct 19

HARVEY, WILLIAM, St Denys, Southampton, Builder Southampton Ord Oct 17

HINDS, EDWARD, Leeds, Accountant Leeds Pet Oct 20 Ord Oct 20

HOWE, WALTER JOHN, Northampton, Shoes Manufacturer Northampton Pet Oct 18 Ord Oct 18

HUKINS, GEORGE RICHARD, Shadownhurst, Kent, Grocer Canterbury Pet Oct 21 Ord Oct 21

JENNINGS, ALBERT TUTTLE, Bradford, Machine Broker Bradford Pet Oct 20 Ord Oct 20

JOHNSON, EDWIN JOSEPH, Longton, Staffs, House Furnisher Longton Pet Oct 10 Ord Oct 20

JONES, CHARLES, New Bridge st, Lithographer High Court Pet Oct 19 Ord Oct 19

KELLERMAN, CHARLES, Old Kent rd, Butcher High Court Pet Oct 3 Ord Oct 20

LAMBERT, WILLIAM, Gateshead, Agent Newcastle on Tyne Pet Oct 5 Ord Oct 19

LONG, FREDERICK JAMES, Newtown, Southampton, Valet Southampton Pet Oct 19 Ord Oct 19

LOUGHTON, GEORGE HENRY, Fairford, Glos, Builder Swindon Pet Oct 20 Ord Oct 20

MOORFIELD, JAMES, Othmar, Common Brewer Liverpool Pet Oct 21 Ord Oct 21

QUODLING, WILLIAM, Charleston st, Walworth, Carman High Court Pet Oct 20 Ord Oct 20

REYNOLDS, ARTHUR, Salisbury, Jeweller Salisbury Pet Oct 20 Ord Oct 20

ROBINSON, HARTLEY, Cleekeaton, Yorks, Grocer Bradford Pet Oct 18 Ord Oct 18

SCHOFIELD, GEORGE OMBROD, Brighouse, Yorks, Painter Halifax Pet Oct 21 Ord Oct 21

SCOTT, EDWARD HENRY, Apsley, Surrey, Veterinary Surgeon Croydon Pet Sept 26 Ord Oct 17

SHAW, EDWARD, Liverpool, formerly Commission Agent Liverpool Pet Oct 10 Ord Oct 20

SIMMONDS, SYLVESTER JOHN, Springbourne, Bournemouth, Horse Dealer Poole Pet Sept 20 Ord Oct 20

TARLING, JAMES (jun), Walsall, Hatter Walsall Pet Oct 17 Ord Oct 17

WALLACE, JAMES CHARLES STUART, Stanhope ter, Baywater, Wine Merchant's Manager High Court Pet Oct 19 Ord Oct 19

WARDELL, JOHN ANDREW, Gt Tower st, Shipping Agent High Court Pet Oct 21 Ord Oct 21

WATSON, JOHN THOMAS, York, Railway Clerk York Pet Oct 19 Ord Oct 19

WILKINSON, EDWARD, Farnworth, Lancs, Boot Maker Bolton Pet Oct 20 Ord Oct 20

WRIGHT, JAMES BOOKER, and JAMES ALBERT JONES, Covent Garden Market High Court Pet Sept 28 Ord Oct 19

The following amended notice is substituted for that published in the London Gazette of 29 Sept.:-

MATHIAS, WILLIAM, Newport, Mon, Outfitter Newport, Mon Pet Sept 25 Ord Sept 25

## FIRST MEETINGS.

BASHAM, THOMAS, Wells next the Sea, Norfolk, late Farmer Nov 22 at 1 Off Rec, 8, King st, Norwich

BATES, WILLIAM, Lincoln, Butcher Nov 2 at 12 Off Rec, 31, Silver st, Lincoln

BECKETT, S, late of Bristol, Licensed Victualler Nov 1 at 12 Off Rec, Bank chambers, Corn st, Bristol

BEATFIELD, THOMAS, Great Linford, Bucks, Farmer Oct 31 at 12.30 County Court bldg, Northampton

CARTER, FREDERICK JOSEPH, Birmingham, Jeweller's Factor Nov 2 at 11.30 Colmore row, Birmingham

CHAFFELL, JOHN THOMAS, Lopus st, Pimlico, Builder Nov 3 at 11 Bankruptcy bldg, Carey st

CLARKE, WILLIAM, Macclesfield, Butcher Oct 31 at 11 Off Rec, 23, King Edward st, Macclesfield

COLLBRAN, THOMAS WILLIAM, Hailsham, Sussex, Watchmaker Oct 31 at 12 Off Rec, 4, Pavilion bldg, Brighton

COOPER, CHARLES, and WILLIAM COOPER, South Wigston, Leics, Farmers Oct 31 at 3 Off Rec, 1, Derridge st, Leicester

CRADDOCK, SIDNEY WILLIAM, Kenot, Oxon, Farmer Oct 31 at 12 1, St Aldate's, Oxford

CROSBY, THOMAS, Halifax, Butcher's Assistant Nov 2 at 11 Off Rec, Townhall chambers, Halifax

DALY, R C, Cardiff, Ship Painter Nov 2 at 11 Off Rec, 20, Queen st, Cardiff

DAVEY, GEORGE RICHARD, Leicester, Grocer Oct 31 at 12.30 Off Rec, 1, Derridge st, Leicester

DAVIES, GEORGE, Welford, nr Stratford on Avon, Innkeeper Oct 31 at 12.30 Off Rec, 17, Hatford street, Coventry

DUCK, GEORGE N, Wimbledon, Surrey Nov 1 at 12.30 24 Railway approach, London Bridge

DYKES, BERTRAM JOSEPH, Rotherham, Innkeeper Nov 1 at 2.30 Off Rec, Figtree lane, Sheffield

GILL, WILLIAM ROBERT, and JAMES JONES, Eelbrook pavement, King's rd, Fulham, General Fancy Drapers Nov 1 at 12 Bankruptcy bldg, Carey st

GRIFFITHS, WILLIAM JOHN, Nantymoel, Glam, Butcher Nov 2 at 11.30 Off Rec, 20, Queen st, Cardiff

HACKER, WILLIAM, Mere, Wilts, Licensed Victualler Oct 31 at 3 Off Rec, Salisbury

HALL, CHARLES, Addlestone, Surrey, Nurseryman Nov 1 at 11.30 24, Railway approach, London Bridge

HALEBALL, PETER, Southport, Fish Dealer Nov 1 at 2 Off Rec, 35, Victoria st, Liverpool

HEDLEY, JOSEPH, Newcastle on Tyne, late Innkeeper Nov 1 at 11.30 Off Rec, Pink lane, Newcastle on Tyne

HILD, ROBERT, and ALBERT EDWIN HILL, Bolton, nr Crowle, Lincs, Steam Threshing Machine Owners Nov 1 at 3 Off Rec, Figtree lane, Sheffield

HOGG, JOSEPH, Leeds, Draper Nov 2 at 11 Off Rec, 22, Park row, Leeds

HOLLINGWORTH, NEVILLE, Glossop, Derbyshire, Stationer Nov 1 at 3 Ogden's chambers, Bridge st, Manchester

HUTCHINGS, JAMES, Birmingham, Tailor Nov 8 at 11 23, Colmore row, Birmingham

JENNINGS, WILLIAM, St Albans, Plumber Oct 31 at 12 Off Rec, 50, Temple chambers, Temple avenue

JOHN, GWILYM, Hopkin's Town, nr Pontypridd, Glam, Grocer Oct 31 at 12 Off Rec, 65, High st, Merthyr Tydfil

JONES, ROBERT CASHING, Blackfriars rd, Wholesale Ironmonger Nov 3 at 12 Bankruptcy bldg, Carey st

LANG, EDWARD, 10, Pall Mall, Gunmaker Oct 31 at 12 Bankruptcy bldg, Carey st  
 LOFTHOUSE, CHARLES, Sheffield, Mineral Water Manufacturer Nov 1 at 2 Off Rec, Figtone lane, Sheffield  
 MATTHEWS, FREDERICK, Babbicombe, St Mary Church, Devon, Builder Nov 4 at 2 Queen's Hotel, Torquay  
 MESSITER, DANIEL, Nuneaton, Warwickshire, Umbrella Maker Oct 31 at 12 Off Rec, 17, Hertford st, Coventry  
 MORRIS, EDWARD, jun, Grendon, Atherstone, Warwickshire, Farmer Nov 3 at 2.30 93, Colmore row, Birmingham  
 NICKLINSON, ERNEST, Kentish Town rd, Butcher Oct 31 at 11 Bankruptcy bldg, Carey st  
 POTTER, JAMES, Cardiff, Grocer Nov 2 at 3.30 Off Rec, 29, Queen st, Cardiff  
 POTTER, JOHN EDGEMORE, 8, uithend on Sea, Essex, Ironmonger Nov 2 at 3 Off Rec, 95, Temple chmbrs, Temple avenue  
 PYE, WILLIAM, jun, Preston, Timber Merchant Oct 31 at 3 Off Rec, 14, Chapel st, Preston  
 RISELEY, DAVID WALTER, Cardiff, Grocer Nov 2 at 3 Off Rec, 29, Queen st, Cardiff  
 ROBINSON, HARTLEY, Cleckheaton, Yorks, Grocer Nov 2 at 11 Off Rec, 31, Manor row, Bradford  
 ROGERS, WILLIAM, Plymouth, Dyer Nov 2 at 11 10, Athenium ter, Plymouth  
 ROSE, CHARLES, Seven Sisters rd, South Tottenham, Dairyman Oct 31 at 3.30 Off Rec, 95, Temple chmbrs, Temple avenue  
 SCHERER, S, Silk st, Milton st, Merchant Nov 2 at 12 Bankruptcy bldg, Carey st  
 SCHOFIELD, GEORGE ORMEBOD, Brighouse, Yorks, Painter Nov 2 at 11.30 Off Rec, Townhall chmbrs, Halifax  
 SOUTHWELL, EDWARD, Bath, Newspaper Proprietor Nov 3 at 3 Off Rec, Bank chmbrs, Corn st, Bristol  
 SMITH, AMOS, Newchurch in Pendle, nr Burnley, Farmer Nov 2 at 1.30 Exchange Hotel, Nicholas st, Burnley  
 STARR, ISRAEL, Trudoxhill, nr Frome, Somerset, formerly Baker Nov 3 at 3.30 Off Rec, Bank chmbrs, Corn st, Bristol  
 STEVENS, CHARLES E, Cambridge, Licensed Victualler Oct 31 at 11.30 24, Railway app, London Bridge  
 THOMPSON, JOSEPH, and CHARLES WILLIAM JOHNSON, Birmingham, Oyster Dealers Nov 1 at 11 23, Colmore row  
 THOMPSON, JOSEPH (sep estate), Birmingham, Oyster Dealer Nov 1 at 11 23, Colmore row, Birmingham  
 TRESGEE, ADOLPHUS GUYSTAV, Red Bank, Manchester, Slipper Manufacturer Nov 1 at 3.15 Ogden's chmbrs, Bridge st, Manchester  
 WALLIS, HENRY, Croydon st, Crawford st, Builder Nov 1 at 2.30 Bankruptcy bldg, Carey st  
 WATSON, JOHN THOMAS, York, Railway Clerk Nov 2 at 12.15 Off Rec, 28, Stonegate, York  
 WENDK, MARTIN, High Holborn, Tailor Nov 2 at 11 Bankruptcy bldg, Carey st  
 WHITTAKER, JOSEPH, Bolton, Cycle Agent Oct 31 at 11 16, Wood st, Bolton  
 WHITTAKER, JOSEPH, Oldham, Estate Agent Oct 31 at 11 Off Rec, Bank chmbrs, Queen st, Oldham  
 WILKINSON, EDWARD, Farnworth, Lancs, Boot Maker Oct 31 at 11.30 16, Wood st, Bolton  
 WILLISON, WILLIAM LEONARD, Windsor, Waiter Nov 2 at 11.30 Off Rec, 95, Temple chmbrs, Temple avenue  
 WRIGHT, ARTHUR WILLIAM HENRY, Bedford rd, Bedford pk, Chiswick, Shopwalker Nov 2 at 12 Off Rec, 95, Temple chmbrs, Temple avenue

The following amended notice is substituted for that published in the London Gazette of Oct 23:—

WILLIAMS, WILLIAM, Swansea, Builder Oct 30 at 12 Off Rec, 31, Alexandra rd, Swansea

#### ADJUDICATIONS.

ALMOND, HENRY, Blackburn, Cotton Spinner Blackburn Pet Sept 30 Ord Oct 19  
 BARKHAM, FRANK, Dudley, Ironfounder Dudley Pet Oct 10 Ord Oct 13  
 BASHAM, THOMAS, Wells next the Sea, Norfolk, late Farmer Norwich Pet Oct 13 Ord Oct 20  
 BATHAM, AMELIA, and LUCY BATHAM, Birkdale, Lancs, Schoolmistresses Liverpool Pet Oct 19 Ord Oct 19  
 BLACKBURN, SAMUEL, Bradford, Wholesale Confectioner Bradford Pet Oct 21 Ord Oct 21  
 BOULTON, WILLIAM, Manchester, Metal Dealer Manchester Pet Oct 21 Ord Oct 21  
 BUCKINGHAM, ARTHUR EDWARD, Ormiston rd, Harrow rd, late Butcher High Court Pet Oct 19 Ord Oct 21  
 CLAYTON, SAMUEL DAVID, Barnsley, Confectioner Barnsley Pet Oct 19 Ord Oct 20  
 COLE, RICHARD GEORGE, Neyland, Pembs, Builder Pembroke Dock Pet Oct 19 Ord Oct 19  
 COLES, SYDNEY GEORGE RANDOLPH, Eastbourne, Professor of Music Eastbourne Pet Oct 18 Ord Oct 20  
 COWARD, JAMES, Kendal, Schoolmaster Kendal Pet Oct 18 Ord Oct 19  
 CROSSLEY, THOMAS, Halifax, Butcher's Assistant Halifax Pet Oct 18 Ord Oct 19  
 DALY, R C, Cardiff, Ship Painter Cardiff Pet Sept 20 Ord Oct 19  
 DAWSON, WILLIAM, Burnley, Builder's Labourer Burnley Pet Oct 18 Ord Oct 20  
 DE GROAT, WILLIAM, late Bath st, Victualler High Court Pet Aug 11 Ord Oct 20  
 DIXON, HARRY, Edmund's place, Fur Manufacturer High Court Pet Oct 10 Ord Oct 21  
 DYKE, ALEXANDER, Salisbury, Saddler Salisbury Pet Oct 9 Ord Oct 21  
 GIBBONS, CHARLES PERCY, Upper Bognor, Sussex, Brewer Brighton Pet Oct 14 Ord Oct 19  
 GRAHAM, WALLACE HENRY, Epsom, Surrey, Cycle Repairer Croydon Pet Oct 18 Ord Oct 18  
 HART, HENRY, Townhall chmbrs, Southwark, Public House Broker High Court Pet Sept 30 Ord Oct 19  
 HENDRY, GEORGE, Oak lane, Limhouse, Coppersmith High Court Pet Sept 22 Ord Oct 21

HILL, ROBERT, and ALBERT EDWIN HILL, Belton, nr Crowle, Lincs, Steam Threshing Machine Owners Sheffield Pet Oct 12 Ord Oct 20  
 HINDE, EDWARD, Leeds, Accountant Leeds Pet Oct 30 Ord Oct 30  
 HURKES, GEORGE RICHARD, Shadoxhurst, Kent, Grocer Canterbury Pet Oct 21 Ord Oct 21  
 JENNINGS, ALBERT TUTTIL, Bradford, Machine Broker Bradford Pet Oct 20 Ord Oct 20  
 JONES, CHARLES, New Bridge st, Lithographer High Court Pet Oct 19 Ord Oct 21  
 LEWIS, ENOCH BAILEY, Stafford, Lunatic, not so found by Inquisition Dudley Pet Aug 31 Ord Oct 5  
 LONG, FREDERICK JAMES, Newtown, Southampton, Valet Southampton Pet Oct 19 Ord Oct 19  
 MILLS, JOHN WILLIAM, Swansea, Manager to a Coach-building Firm Swansea Pet Oct 13 Ord Oct 19  
 MOORFIELD, JAMES, Ormskirk, Common Brewer Liverpool Pet Oct 20 Ord Oct 21  
 QUODLING, WILLIAM, C. leston st, Walworth, Carman High Court Pet Oct 20 Ord Oct 21  
 ROBINSON, HARTLEY, Cleckheaton, Yorks, Grocer Bradford Pet Oct 18 Ord Oct 18  
 ROSE, CHARLES, Seven Sisters rd, South Tottenham, Dairyman Edmonton Pet Oct 5 Ord Oct 20  
 SCHOFIELD, GEORGE ORMEBOD, Brighouse, Yorks, Painter Halifax Pet Oct 21 Ord Oct 21  
 SHEED, WILLIAM CHARLES, Berwick st, Oxford st, late Beerhouse Keeper High Court Pet Sept 30 Ord Oct 19  
 WALLACE, JAMES CHARLES STUART, Stanhope ter, Baywater, Wine Merchant's Manager High Court Pet Oct 19 Ord Oct 19  
 WARDELL, JOHN ANDREWS, Gt Tower st, Shipping Agent High Court Pet Oct 21 Ord Oct 21  
 WATSON, JOHN THOMAS, York, Railway Clerk York Pet Oct 19 Ord Oct 19  
 WHITTAKER, JOSEPH, Oldham, Estate Agent Oldham Pet Sept 29 Ord Oct 18  
 WILKINSON, EDWARD, Farnworth, Lancs, Boot Maker Bolton Pet Oct 20 Ord Oct 20

The following amended notice is substituted for that published in the London Gazette of Sept 29:—  
 MATHIAS, WILLIAM, Newport, Mon, Outfitter Pet Sept 25 Ord Sept 25

#### SALES OF ENSUING WEEK.

Oct. 30.—Messrs. R. W. FULLER, MOOR, & FULLER, at the Mart, E.C., at 2 o'clock, Freehold Residential Properties and Building Land (see advertisement, this week, p. 4).  
 Oct. 31.—F. G. WHEATLEY, Esq., at the Mart, E.C., at 2 o'clock, Leasehold Investments and Plots of Building Land (see advertisement, Oct. 14, p. 2).  
 Nov. 2.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, E.C., at 2 o'clock, Reversions, Life Interests, Annuities, Life Policies, Shares, Debentures, &c. (see advertisement, this week, p. 4).

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

Where difficulty is experienced in procuring the Journal with regularity, it is requested that application be made direct to the Publisher.

Subscription, PAYABLE IN ADVANCE, which includes Indexes, Digests, Statutes, and Postage, 52s. WEEKLY REPORTER, in wrapper, 26s.; by Post, 28s. SOLICITORS' JOURNAL, 26s. 0d.; by Post, 28s. 0d. Volumes bound at the office—cloth, 2s. 9d., half law calf, 5s. 6d.

AGENTS Required for the Imperial Live Stock Insurance Association, Limited. Established 1878. Horses, Cattle, &c., Insured against Death from Accident and Disease. Claims paid, £25,000.—Applications should be addressed to Mr. B. S. ESSEX, Manager, 17, Pall-mall East, London, S.W.

ORIENT COMPANY'S YACHTING CRUISE TO THE WEST INDIES. The steamship "GARONNE," 3,876 tons register, 3,000 h.p., will leave LONDON on the 22nd November, for a 66 days' cruise, visiting Madeira, Tenerife, Barbadoes, Trinidad, Grenada, St. Lucia, Martinique, St. Kitts, Santa Cruz, Jamaica, Cuba, Nassau, St. Michaels, Lisbon.  
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 { Anderson, Ander- } son & Co. } avenue, London.  
 For particulars apply to the latter firm at 5, Fenchurch-avenue, E.C.; or to the West-end branch office, 18, Cockspur-street, London, S.W.

NOTICE.—In the Calendar of the Incorporated Law Society for the present year the name of Mr. MONTGOMERY HOOPER, of Birmingham, was printed in italics, thereby denoting that he had not taken out his certificate for the current year or had retired from practice. It appears that Mr. Hooper only took out his certificate in November last and is still in practice. The name should therefore have been printed in ordinary type. The error occurred by an inadvertence, and we regret that Mr. Hooper should have suffered any annoyance.—On behalf of the Solicitors' Law Stationery Society, Limited, (Signed) H. BASIL CAMUSAC, Secretary.  
 Dated 24th October, 1893.

#### REVERSIONS.

### LAW REVERSIONARY INTEREST SOCIETY (Limited).

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DEPUTY-CHAIRMAN—JOHN CLERK, Esq., Q.C.

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### MADAME TUSSAUD'S EXHIBITION.

Baker-street Station.—Through Bookings at all Metropolitan Stations.—New portrait model of his Majesty the Emperor of Austria. Magnificent group, containing portraits of T.R.H. the Duke and Duchess of York. Royal Tiger Hunt: H.R.H. the Prince of Wales in the howdah. Political Celebrities, Cabinet Ministers, past and present. Music all day. Refreshment bars, &c.—CHAMBER OF HORRORS. Portrait Models of Thomas Neill, Frederick Deeming, Mrs. Paussey, &c.—Admission, 1s.; children under 12, 6d. Chamber of Horrors, 6d. Open from 10 to 10.

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# The Public General Statutes

FOR THE SESSION

56 & 57 VICTORIA, 1893

(UNTIL THE ADJOURNMENT).

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY ARE  
SET OUT AT LENGTH.]

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1893.

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# STATUTES.

56 VICTORIA.

## CHAPTER 1.

[Coinage Act, 1893.]

An Act to make further Provision for the Expenses of the Coinage Act, 1891.

[28th March 1893.]

## CHAPTER 2.

[Trade Union (Provident Funds) Act, 1893.]

An Act to exempt from Income Tax the Invested Funds of Trade Unions applied in payment of Provident Benefits.

[28th March 1893.]

Be it enacted, &c. :

1. *Provident funds of trade unions to be exempt from income tax* [A trade union duly registered under the Trade Union Acts, 1871 and 1876 [34 & 35 Vict. c. 31, and 39 & 40 Vict. c. 22]. shall be entitled to exemption from income tax chargeable under Schedules A., C., and D. of any Acts for granting duties of income tax in respect of the interest and dividends of the trade union applicable and applied solely for the purpose of provident benefits.

Provided always that the exemption shall not extend to any trade union by the rules of which the amount assured to any member, or person nominated by or claiming under him, shall exceed the total sum of two hundred pounds, or the amount of any annuity granted to any member, or person nominated by him, shall exceed the sum of thirty pounds per annum.

2. *Mode of claiming exemption.* [The exemption shall be claimed and allowed in the same manner as is prescribed by law in the case of income applicable and applied to charitable purposes.

3. *Definition of "provident benefits."* [In this Act the expression "provident benefits" means and includes any payment made to a member during sickness or incapacity from personal injury, or while out of work; or to an aged member by way of superannuation, or to a member who has met with an accident or has lost his tools by fire or theft, or a payment in discharge or aid of funeral expenses on the death of a member or the wife of a member, or as provision for the children of the deceased member, where the payment in respect whereof exemption is claimed is a payment expressly authorized by the registered rules of the trade union claiming the exemption.

4. *Short title.* [This Act may be cited as the Trade Union (Provident Funds) Act, 1893.]

## CHAPTER 3.

[Consolidated Fund (No. 1) Act, 1893.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, and one thousand eight hundred and ninety-four.

[28th March 1893.]

## CHAPTER 4.

[Army (Annual) Act, 1893.]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[29th April 1893.]

## CHAPTER 5.

[Regimental Debts Act, 1893.]

An Act to consolidate and amend the Law relating to the Payment of Regimental Debts, and the Collection and Disposal of the Effects of Officers and Soldiers in case of Death, Desertion, Insanity, and other cases.

[29th April 1893.]

Be it enacted, &c. :

*Collection of Effects and Payment of Preferential Charges.*

1. *On death of person subject to military law, committee of adjustment to secure effects and pay charges.* [On the death of a person while subject to military law the prescribed committee of adjustment shall, as soon as may be, in accordance with the prescribed regulations and subject to any exceptions made thereby,

(1.) secure and make an inventory of all such of the effects of the deceased as are in camp or quarters, and, if the death occurs out of the United Kingdom, are within the prescribed area whether station, colony, or command, or other (which area is in this Act referred to as the regulation area); and

(2.) ascertain the amount and provide for the payment of the preferential charges on the property of the deceased.

2. *Preferential charges* [The following shall be the preferential charges on the property of a person dying while subject to military law, and shall, except so far as other provision may be made for them or any of them, be payable in preference to all other debts and liabilities, and, as among themselves, in the following order :—

(1.) Expenses of last illness and funeral :

(2.) Military debts, namely, sums due in respect of, or of any advance in respect of—

(a.) Quarters;

(b.) Mess, band, and other regimental accounts;

(c.) Military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death;

to which shall be added, where the death occurs out of the United Kingdom,—

(3.) Servants' wages not exceeding two months wages to each servant; and

(4.) Household expenses incurred within a month before the death, or after the last issue of pay to the deceased, whichever is the shorter period.

3. *Surplus only of personal estate to be deemed personal estate.* [So much only of the personal property of a person dying while subject to military law as remains after payment of the preferential charges shall be considered personal estate of the deceased with reference to the calculation of pro-

bate duty, or of any other duty, tax, or percentage, or for any of the purposes of administration.

4. *Decision of questions as to preferential charges* [If in any case a doubt or difference arises in relation to any preferential charge or the payment thereof, the decision of the Secretary of State, or of such officer or person as the Secretary of State deputed by writing to act in this behalf, shall be final, and shall be binding on all persons for all purposes.

5. *Payment of preferential charges by representatives or other persons.* [Subject to the prescribed regulations, if any person pays or secures the payment of the preferential charges in full, the committee of adjustment shall not further interfere in relation to the property, except so far as they may be requested so to do by or on behalf of that person.

6. *Powers and duties of committee where preferential charges are not paid.* (1.) If within one month after the death or such further time not exceeding the prescribed time as the committee of adjustment allow, the preferential charges are not paid or secured to their satisfaction, the committee shall proceed to pay those charges.

(2.) If the death occurs out of the United Kingdom, the committee of adjustment, save as may be prescribed, shall, if it appears to them necessary for the payment of the preferential charges, and in any case may, collect all the personal property of the deceased in the regulation area.

(3.) The committee, save as may be prescribed, shall, for the purpose of paying the preferential charges and their expenses, and in any case may, at such time as, subject to the prescribed regulations, they think expedient, sell and convert into money such of the personal property of the deceased as does not consist of money.

(4.) If the death occurs out of the United Kingdom they may also, save as otherwise prescribed, pay all debts which appear to them to be legally payable out of the personal estate of the deceased.

(5.) For the purpose of the exercise of their duties the committee shall, to the exclusion of all authorities and persons whomsoever, have the same rights and powers as if they had taken out representation to the deceased, and also if in a colony the powers which any official administrator has by the law of that colony; and any receipt given by the committee shall have the like effect as if it had been given by the legal personal representative of the deceased.

(6.) The committee of adjustment shall lodge the surplus remaining in their hands after payment of the said charges and expenses and debts with such person (in this Act referred to as the paymaster), at such times, in such manner, and together with such inventory, accounts, vouchers, and information, as may be prescribed.

*Disposal of Surplus and Residue.*

7. *Disposal of surplus by paymaster.* [The paymaster shall pay the surplus in the prescribed manner, and subject to the prescribed provisions and exceptions, as follows :—

(1.) If out of the United Kingdom he may pay thereout any expenses which under the prescribed regulations are chargeable against the surplus, and any debts which are legally

payable out of the personal estate of the deceased;

- (3.) If he knows of a representative of the deceased in the same part of Her Majesty's dominions, he shall pay the surplus to that representative;
- (3.) If he does not know of such a representative as above mentioned, and the amount does not exceed one hundred pounds, he may pay or apply all or any part thereof to or for the benefit of such persons in the same part of Her Majesty's dominions as he knows of and appear to be beneficially entitled to the personal estate of the deceased, or to or for the benefit of any of such persons;
- (4.) He shall remit the surplus or so much thereof as is not paid or applied in pursuance of this section to the Secretary of State.

**8. Disposal of residue by Secretary of State.]** The Secretary of State, on being informed of the death of a person subject to military law, shall proceed with all reasonable speed as follows:

- (1.) He shall cause to be ascertained the total amount to the credit of the deceased, including any surplus or part of a surplus remitted by a paymaster as mentioned in this Act, and all arrears of pay, batta, grants, and other allowances in the nature thereof; which total amount so ascertained is in this Act referred to as the residue;
- (2.) If he has notice of a representative of the deceased, he shall pay the residue to that representative;
- (3.) He may, and if it is so prescribed shall, before such payment, publish the prescribed notice stating the amount of the residue and such other particulars respecting the deceased and his property as may seem fit, and also the mode in which any application respecting the residue is to be made to the Secretary of State. Provided that the Secretary of State may pay out of any money in his hands to the credit of the deceased any preferential charges appearing to him to have been left unpaid by the committee of adjustment.

**9. Disposal by Secretary of State of residue where residue does not exceed one hundred pounds, and no representation.]** Where the residue does not exceed one hundred pounds, the Secretary of State may, if he thinks fit, require representation to be taken out; but if he does not, and has no notice of a representative of the deceased, then, after the expiration of the prescribed time and the publication of the prescribed notice (if any) the residue shall be disposed of as follows:

- (1.) The Secretary of State may, if he thinks fit, pay or apply the residue or any part thereof, in accordance with the prescribed regulations, to or for the benefit of any of the persons appearing to be beneficially entitled to the personal estate of the deceased, or any of them, and may for that purpose invest the same by deposit in a military or other savings bank or otherwise, and, if necessary, in the name or names of a trustee or trustees for any such person.
- (2.) Any part thereof remaining in the hands of the Secretary of State, and not irrevocably appropriated, shall be applied in paying any debt of the deceased which—
  - (a) accrued due within three years before the death; and
  - (b) is claimed from the Secretary of State within two years after the death; and
  - (c) is proved by the claimant to the satisfaction of the Secretary of State.
- (3.) Except as above in this section provided, a person shall not be entitled to obtain payment out of any residue in the hands of the Secretary of State of any sum due from the deceased.

**10. Application of residue undisposed of.]** (1.) Where any residue or any part thereof remains undisposed of and unappropriated, the prescribed notice thereof shall be published, and during six years next after the publication of that notice the like notice with any necessary modifications shall be annually published.

(2.) So much of the residue as remains undisposed of and unappropriated for six months after

the publication of the last of such notices shall, together with any income or accumulations of income accrued therefrom, be applied in the prescribed manner in or towards the creation or maintenance of such compassionate or other fund for the benefit of widows and children, or other near relatives, of soldiers dying on service, or within six months after discharge, as may be prescribed.

(3.) Provided that the application under this section of any residue, or part of a residue, shall not bar any claim of any person to the same, or any part thereof.

#### Supplemental Provisions.

**11. Disposal of medals and decorations.]** Medals and decorations shall not be considered to be comprised in the personal estate of the deceased with reference to the claims of creditors or for any of the purposes of administration under this Act or otherwise; and, notwithstanding anything in this or any other Act, the same, when secured by the committee of adjustment, shall be held and disposed of according to regulations laid down by royal warrant.

**12. Disposal of effects not money.]** Where any part of the personal estate of the deceased consists of effects, securities, or other property not converted into money, the provisions of this Act with respect to paying or remitting the surplus shall, save as may be prescribed, extend to the delivery, transmission, or transfer of such effects, securities, or property, and the paymaster and Secretary of State shall respectively have the same power of converting the same into money as the representative of the deceased.

**13. Regulations by royal warrant.]** (1.) Her Majesty the Queen may, by warrant under the royal sign manual, make regulations for all such things as are by this Act directed or authorized to be prescribed or made subject to regulations, and also such regulations as may seem fit for the better execution of this Act, or any part thereof; and may by such regulations make different provisions to meet different cases or different circumstances.

(2.) Every royal warrant made under this Act shall be printed by the Queen's printer, and published under the authority of Her Majesty's Stationery Office, and laid before both Houses of Parliament as soon as may be after the making thereof.

**14. Restriction on interposition of official administrators.]** (1.) An official administrator, notwithstanding any law regulating his office independently of this Act, shall not interpose in any manner in relation to any property of a person dying while subject to military law, except in the prescribed cases, or except when and so far as he is expressly required to do so by a committee of adjustment, or paymaster, or Secretary of State.

(2.) The committee of adjustment in such cases, under such circumstances, and at such times as may be prescribed, may request an official administrator to exercise his official powers either on behalf of the committee or otherwise, and the administrator shall comply with the request. The committee may also lodge any property secured or collected by them with any official administrator.

(3.) Where under this Act any property comes to the hands of any official administrator, he shall administer the same as regards preferential charges and otherwise in accordance with this Act, and, subject thereto, according to the law regulating his office independently of this Act.

(4.) The official administrator shall remit any surplus remaining in his hands after discharge of all debts and his charges to the Secretary of State at such time and in such manner as may be prescribed, to be disposed of according to the provisions of this Act as if remitted by a paymaster.

(5.) An official administrator shall not take a percentage on the property exceeding three per cent. on the gross amount coming to or remaining in his hands after payment of preferential charges.

**15. Money remitted not to be assets in place where remitted to.]** Any property coming under this Act to the hands of any committee of adjustment or paymaster shall not, by reason of so coming, be deemed assets or effects at the place in which that committee or paymaster is stationed or resides,

and it shall not be necessary by reason thereof that representation be taken out in respect of that property for that place.

**16. Duty and representation where sums under £100.]** Where any surplus or residue, as the case may be, does not exceed one hundred pounds, no duty shall be payable in the United Kingdom or India in respect thereof, and it shall not be necessary that representation to any deceased person be taken out for the purpose of obtaining payment thereof or of any part thereof under this Act from a paymaster or a Secretary of State, except in any prescribed case, or in any case where the Secretary of State requires it.

**17. Discharge of paymaster and Secretary of State.]** Compliance with the regulations under this Act with respect to the mode of payment of any surplus or residue or any part thereof to any person (whether by transmission or remission to another place or person or otherwise) shall discharge the Secretary of State or paymaster or other person complying with the regulations, and he shall not be liable by reason of the surplus or residue or part which may be in his hands having been paid, transmitted, remitted, or otherwise dealt with in accordance with the regulations.

**18. Validity of payments, sales, &c., under this Act.]** Every payment, application, sale, or other disposition of property made by the Secretary of State, or by any committee of adjustment, or by any paymaster, when acting in execution or supposed execution of this Act, or of any royal warrant for carrying this Act into effect, shall be valid as against all persons whomsoever; and the Secretary of State, and every officer belonging to any such committee, and every such paymaster as aforesaid shall, by virtue of this Act, be absolutely discharged from all liability in respect of the property so paid, applied, sold, or disposed of.

**19. Saving for rights of representative.]** After the committee of adjustment have lodged with the paymaster the surplus of the property of any deceased person, any representative of that person and any official administrator shall, as regards any property of a deceased person not collected by the committee of adjustment and not forming part of the surplus or residue in this Act mentioned, have the same rights and duties as if this Act had not passed.

**20. Creditor administering not entitled to claim property.]** A creditor, as such, shall not be deemed a person entitled to take out representation to the deceased within the meaning of this Act or to pay or secure the preferential charges; nor shall a creditor taking out representation be entitled as representative of the deceased to claim from a paymaster or the Secretary of State any part of the property of the deceased.

**21. Deposit in court of probate, &c., of original wills in hands of Secretary of State, and declaration of intestacy.]** (1.) Where any original will of a person dying while subject to military law, whether he died before or after the commencement of this Act, comes to the hands of a Secretary of State, and representation under the same is not taken out, then the Secretary of State may cause the same to be deposited as follows:

(a.) Where the domicile of the testator appears to the Secretary of State to have been in Scotland, then in the office of the commissary clerk of the commissary court of the county of Edinburgh;

(b.) Where the domicile of the testator appears to the Secretary of State to have been in Ireland, then in the place for the time being appointed in Dublin for the deposit of original wills brought into the High Court in Ireland;

(c.) In any other case, in the place for the time being appointed in London for the deposit of original wills brought into the High Court in England.

(2.) Where a person dies while subject to military law intestate, and under this Act any residue of his property comes to the hands of the Secretary of State, and representation to the deceased is not taken out, then the Secretary of State may, if it seems fit, cause a declaration of his intestacy to be deposited in the place or office where his original will (if any) would be deposited as aforesaid.



(3.) In every such case the Secretary of State may cause to be deposited, together with the original will or declaration of intestacy, an inventory shewing the personal property of the deceased, and the application thereof, as far as the same is known.

(4.) Every such original will, declaration of intestacy, and inventory shall be preserved and dealt with, and may be inspected, subject and according to the same rules or orders and on payment of the same fees as any other like documents deposited in that office or place, or subject and according to such other rules or orders and on payment of such other fees, as may be made or fixed in that behalf by the court, judge, or other authority empowered to make rules or orders in relation to other documents deposited in the same place or office.

#### Application of Act to special cases.

**22. Special provision as to an army paymaster.]** In the application of this Act to any army paymaster, the following modifications shall be made:

- (1.) The powers and duties of the committee of adjustment shall arise immediately on his death, and shall continue notwithstanding that the professional charges are paid or secured;
- (2.) Money in the possession or under the control of an army paymaster at his death shall not be considered to be comprised in his effects for the purposes of this Act;
- (3.) The surplus in the hands of the committee of adjustment and the residue in the hands of a Secretary of State shall be dealt with and disposed of as may be prescribed and not according to the foregoing provisions of this Act.

**23. Application of Act to deserters, felons, &c.]** Where a person subject to military law deserts, or is absent without leave for twenty-one days, or is convicted by a civil court of any offence which by the law of England is felony, or is delivered up as an apprentice, whether in pursuance of an order of a court, or otherwise, the provisions of this Act shall apply as if the person were dead, subject to the following modifications:

- (1.) The powers of the committee of adjustment shall arise and continue notwithstanding that the preferential charges are paid or secured;
- (2.) The committee of adjustment shall dispose of the surplus in the prescribed manner, and the same when so disposed of shall be free from all claim on the part of the said person or any one claiming through him.

**24. Application of Act to case of insanity.]** Where a person subject to military law is ascertained in the prescribed manner to be insane, the provisions of this Act shall apply as if he had died at the time of his insanity being so ascertained, subject nevertheless to the prescribed exceptions, and to the following modifications:

- (a.) The preferential charges may be paid by the wife of the insane person, or by any person who, subject to the prescribed regulations, appears to be a relative of or person undertaking the care of the insane person or of his property;
- (b.) The committee of adjustment shall dispose of the surplus in the prescribed manner with a view to its being applied for the benefit of the insane person.

#### Application of Act to India.

**25. General application of Act to India.]** This Act shall apply to India as if it were a colony, subject to the modifications in this Act mentioned, and to this exception, that it shall not, save so far as may be prescribed, apply to any native of India within the meaning of Indian military law.

**26. Provision where death occurs in India, the deceased not being a soldier.]** In the case of the death of a person who dies while in India or while on service with any force under the command of the commander-in-chief in India, or of any provincial commander-in-chief in India, and who is not a soldier of Her Majesty's regular forces, this Act shall apply with the following modifications:

- (1.) The paymaster shall after the prescribed notice pay all debts of which he has notice within the prescribed time, and which appear to him to be lawfully payable out of

the estate of the deceased. Provided that if under the special circumstances of the case of the deceased it appears to the paymaster inexpedient or unjust to pay any claims out of the estate, or if the claims lodged exceed in the whole the prescribed amount, the paymaster shall, without discharging those claims, or any of them, transfer the surplus aforesaid to the official administrator:

- (2.) Where the paymaster does not so transfer the surplus, he shall dispose thereof, or of so much thereof as remains after the discharge of any claims, in manner directed by this Act;
- (3.) The foregoing provisions of this section shall not apply to an army paymaster;
- (4.) The Secretary to the Government of India in the military department shall have the same power as the Secretary of State to decide any doubt or difference as to preferential charges, and his decision shall have the same effect as if it were given by the Secretary of State.

**27. Deduction of arrears of subscription to military and orphan funds.]** Nothing in this Act shall prevent the Secretary of State from deducting in the pay office from any arrears of pay due to the deceased the amount of any arrears of subscription due by the deceased to the Indian military and orphan funds, or either of them.

**28. Provision as to Secretary of State for India.]** Anything authorized or required by this Act to be done by, to, or before a Secretary of State may, in the prescribed cases, be done by, to, or before the Secretary of State in Council of India.

*Definitions; Extent; Commencement; Repeal; Short Title.*

**29. Definitions.]** In this Act, unless the context otherwise requires,—

The expression "officer" includes a warrant officer, although not holding an honorary commission;

The expression "representation" includes probate and letters of administration, with or without will annexed, and in Scotland confirmation, and in India or a colony the corresponding documents in use according to the law of India or the colony;

The expression "representative" means any person taking out representation, but does not include an official administrator;

The expression "official administrator" means in India the administrator-general of any presidency or province, and in a colony means any public officer who has by law any powers or duties in relation to the collection or distribution of the estate of any deceased person;

The expression "prescribed" means prescribed by Royal Warrant.

Save as aforesaid expressions in this Act have the same meaning as in the Army Act.

**30. Extent of Act.]** (1.) This Act shall apply to all persons subject to military law, whether within or without Her Majesty's dominions.

(2.) This Act shall be registered by the Royal Courts of the Channel Islands, and shall apply to those Islands and to the Isle of Man as if they were parts of the United Kingdom.

(3.) This Act shall apply to a place in which Her Majesty exercises jurisdiction under the Foreign Jurisdiction Act, 1890 [53 & 54 Vict. c. 37], as if that place were a colony.

**31. Commencement of Act.]** This Act shall come into operation on the first day of October one thousand eight hundred and ninety-three, or any earlier day appointed either generally or with reference to any place or places by royal warrant.

**32. Repeal.]** The Regimental Debts Act, 1863, and section fifty-one of the Regulation of the Forces Act, 1881, are hereby repealed.

**33. Short title.]** This Act may be cited as the Regimental Debts Act, 1893.

## CHAPTER 6.

*[Police Disabilities Removal Act, 1893.]*

An Act to remove Disabilities of Policemen

with regard to their Vote in Municipal, School Board, and other Elections.

[12th May 1893.]

Whereas it is expedient that the Police Disabilities Removal Act, 1887, whereby the disabilities of persons employed in or in connection with the police to vote at parliamentary elections were removed, should be extended to municipal and other similar elections:

Be it therefore enacted, &c.:

**1. Repeal.]** The enactments mentioned in the schedule to this Act, which disqualify the police for voting at municipal and other elections, are hereby repealed to the extent mentioned in the third column of the said schedule.

**2. Facilities for polling under 50 & 51 Vict. c. 9, s. 2, to apply to all elections.]** The provisions of section two of the Police Disabilities Removal Act, 1887, shall apply to all municipal and other elections as well as parliamentary elections, subject to the modification that the words "register of voters" shall mean the register of voters in force for such municipal or other elections.

**3. Construction and short title.]** This Act and the Police Disabilities Removal Act, 1887, shall be construed as one Act.

This Act may be cited as the Police Disabilities Removal Act, 1893.

### SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Vict. c. 69	The County and Borough Police Act, 1856.	Section nine, the words "be capable of giving his vote for the election of any person to any municipal office in such borough;" and also the words "nor shall any such constable."
22 & 23 Vict. c. 32	The County and Borough Police Act, 1859.	Section three, the words "be capable of giving his vote for the election of any person to any municipal office in any borough within such county or in any other borough in which such constable has authority, nor shall any such constable."

## CHAPTER 7.

*[Customs and Inland Revenue Act, 1893.]*

An Act to grant certain Duties of Customs and Inland Revenue, to repeal and alter other Duties, and to amend the Law relating to Inland Revenue.

[12th May 1893.]

Be it enacted, &c.:

### CUSTOMS.

**1. Import duty on tea.]** The duty of Customs now payable on tea shall continue to be levied and paid, on and after the first day of August one thousand eight hundred and ninety-three until the first day of August one thousand eight hundred and ninety-four, on the importation thereof into Great Britain and Ireland (that is to say):—  
Tea, the pound . . . Fourpence.

### EXCISE.

**2. Provision as to foreign game.]** The provisions of the Game Licences Act, 1860 [23 & 24 Vict. c. 90], as amended by the Revenue (No. 2) Act, 1861 [24 & 25 Vict. c. 91], relating to excise licences to deal in game and the dealing in and selling of game without an excise licence shall extend and apply to the dealing in and selling of hares, pheasants, partridges, grouse, heath or moor game,

black game, and bustards, imported from foreign parts into Great Britain or Ireland.

## STAMPS.

3. *As to stamp duty on contract notes.* (1.) In lieu of the stamp duty of sixpence now payable under the Stamp Act, 1891 [54 & 55 Vict. c. 39], upon a contract note, as defined by section fifty-two of the said Act, for or relating to the sale or purchase of any stock or marketable security of the value of one hundred pounds or upwards there shall be charged the stamp duty of one shilling.

(2.) The duty imposed by this section is to be denoted by an adhesive stamp appropriated to a contract note and may be added to the charge for brokerage or agency.

4. *Repeal of annual duties in respect of marketable securities, and foreign or colonial share certificates.* (1.) The annual duties imposed by the Stamp Act, 1891, under the head "Marketable Security and Foreign or Colonial Share Certificate" in the First Schedule to the said Act upon a marketable security transferable by delivery and upon a foreign or colonial share certificate shall cease to be payable.

(2.) Subsection two of section eighty-two and section eighty-five of the said Act, and the paragraphs numbered five and six under the head "Marketable Security and Foreign or Colonial Share Certificate" in the First Schedule to the said Act, and also the words "and Foreign or Colonial Share Certificate" of that head are hereby repealed.

## INCOME TAX.

5. *Grant of duties of income tax.* (1.) There shall be charged, collected, and paid for the year which commenced on the 6th day of April one thousand eight hundred and ninety three, in respect of all property, profits, and gains mentioned or described as chargeable in the Income Tax Act, 1853 [16 & 17 Vict. c. 34], the following duties of income tax (that is to say):—

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act the duty of sevenpence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act—

In England the duty of threepence halfpenny:

In Scotland and Ireland respectively, the duty of twopence halfpenny.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-three (except section four of the Customs and Inland Revenue Act, 1892 [55 & 56 Vict. c. 16]) shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

6. *Provisions as to duty on dividends, &c., paid prior to the passing of this Act.* (1.) Where, in the case of any dividends, interest, or other annual profits or gains due or payable half-yearly or quarterly in the course of the said year which commenced on the sixth day of April one thousand eight hundred and ninety-three, any half-yearly or quarterly payments shall have been made prior to the passing of this Act, the duty of income tax hereby granted, or so much by relation to such duty as shall not have been charged thereon or deducted therefrom shall be charged under Schedule D. in respect of such payments as profits or gains not charged by virtue of any other schedule in conformity with the provision contained in the sixth case of Schedule D., in section one hundred of the Income Tax Act, 1842 [5 & 6 Vict. c. 35], and the agents entrusted with the payment of the dividends, interest, or other annual profits or gains, shall furnish a list containing the names and addresses of the persons to whom payments have been made, and the amount of such payments, to the Commissioners of Inland Revenue upon a requisition in that behalf.

(2.) Where any person liable to pay any rent, interest, annuity or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of the duty of income tax hereby granted he shall be authorized to make the

deduction or make up the deficiency on the occasion of the next payment in addition to any other deduction which he may by law be authorized to make.

(3.) The charge or deduction of the duty of income tax at a rate not exceeding the rate hereby granted in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

7. *Appointment of Commissioners of Income Tax in Scotland.* Commissioners for the general purposes of the income tax in Scotland may be appointed by the Commissioners of Supply at the meeting to be held annually in pursuance of subsection two of section twelve of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], as well as at any meeting convened for the purpose in conformity with the Income Tax Act, 1842.

## SHORT TITLE.

8. *Short Title.* This Act may be cited as the Customs and Inland Revenue Act, 1893.

## CHAPTER 8.

[Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893.]

An Act to amend the Local Authorities Loans (Scotland) Act, 1891.

[12th May 1893.]

## CHAPTER 9.

[Municipal Corporations Act, 1893.]

An Act to amend the Municipal Corporations Act, 1882.

[9th June 1893.]

Whereas it is expedient to amend the Municipal Corporations Act, 1882:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Municipal Corporations Act, 1893.

2. *Amendment of 45 & 46 Vict. c. 50, s. 30.* A petition under the thirtieth section of the Municipal Corporations Act, 1882, may be presented upon a resolution passed by a majority of the whole council, and may pray for the alteration of the boundaries of the wards of a borough without any alteration of their number; and where any such petition prays for the alteration of boundaries only, the provisions of the said section shall apply so far as applicable.

3. *No second petition to be presented within seven years.* When the powers conferred by the said section, as amended by this Act, have been exercised in pursuance of a petition by the council of any borough, a further petition from the council of the same borough shall not be presented before the expiration of seven years from the date of the previous Order in Council under the said section, as so amended.

## CHAPTER 10.

[Police Act, 1893.]

An Act to amend the Police Acts.

[9th June 1893.]

Be it enacted, &c.:

1. *Constables employed on fire duty to be deemed to be engaged on police duty.* Where a constable belonging to any police force, in pursuance of any general or special direction of the police authority, acts as a fireman or assists in the extinguishment of fire, or in protecting life or property from fire, such constable shall be deemed for the purposes of the Police Act, 1890, to be in the execution of his duty.

2. *Borough police may be employed as fire brigade.* (1.) The council of a borough may by resolution delegate to the watch committee its powers under sections thirty-two and thirty-three of the Town Police Clauses Act, 1847 [10 & 11 Vict. c. 89], or under any similar enactments in any local Act; and, where such resolution has been passed, the watch committee may employ constables wholly or partially as firemen:

Provided that no constable, who at the passing of this Act is not employed to act as fireman, shall be so employed without his consent.

(2.) The pay of constables exclusively so employed, and the allowances of constables partially so employed, shall be defrayed from the fund or rate which is applicable to the purposes of the fire brigade or fire police.

(3.) The pensions and gratuities granted to such constables, and the allowances and gratuities granted to their widows and children, shall be paid out of the police pension fund; but the council shall pay from the fund or rate applicable to the purposes of the fire brigade or fire police to the police pension fund such contribution as the Secretary of State may, by general or special order, determine to be a fair contribution in respect of such pensions, gratuities, and allowances.

3. *Power to increase pension.* (1.) Where a pension is in pursuance of the Police Act, 1890, granted to a constable on the scale applicable to partial disability for earning a livelihood, the police authority may, within three years from the grant of the pension, if satisfied by the evidence of some legally qualified medical practitioner or practitioners selected by the police authority that the disability attributable to the injury received in the execution of duty has become total, increase the pension to the amount allowed by the provisions of the scale applicable to total disability.

(2.) This section shall apply in the case of all pensions granted since the commencement of the Police Act, 1890.

4. *Amendment of 53 & 54 Vict. c. 45, s. 13 (2).* The provisions of subsection two of section thirteen of the Police Act, 1890, shall apply to any constable in receipt of a pension who is appointed to any office remunerated out of any parochial, district, or other rate.

5. *Extension of powers of investment of pension fund.* A police authority, in addition to the powers of investment conferred by section eighteen of the Police Act, 1890, may invest the capital of the pension fund in debentures or mortgages issued or made by a county council in pursuance of the powers conferred by section sixty-nine subsection eight of the Local Government Act, 1888.

6. *Amendment of Sch. I., 53 & 54 Vict. c. 45.* In Schedule I. (11) (c) of the Police Act, 1890, for the words "where a constable has, in the course of the three years next before the date of his retirement or death, been in more than one rank" shall be substituted the words "where a constable at the date of his retirement or death holds a rank to which he has been promoted within the three years previous".

7. *Construction of Act and saving.* This Act shall be read as one with the Police Act, 1890, and nothing in this Act shall interfere with or diminish the powers of the Secretary of State, under section seventeen of that Act.

8. *Partial repeal of 10 & 11 Vict. c. 89, and amendment of Local Acts.* (1.) The words "any mischief by fire and" in section 14 of the Town Police Clauses Act, 1847, are hereby repealed, and this Act shall have effect notwithstanding anything in any other Act, local or general, to the contrary.

(2.) Where any local Act or order contains provisions as to a fire brigade or fire police, the Secretary of State may frame and submit to Parliament a provisional order repealing or modifying such provisions so as to bring them into harmony with the provisions of this Act, and he may by such order unite any existing fire brigade pension fund with the police pension fund, and may make any other adjustments which may appear to him to be necessary in order to give effect to this Act.

9. *Short title.* This Act may be cited as the Police Act, 1893; and the Police Acts, 1839 to 1890, and this Act may be cited together as the Police Acts, 1839 to 1893.

## CHAPTER 11.

[Public Libraries (Amendment) Act, 1893.]

An Act to amend the Public Libraries Act, 1892.

[9th June 1893.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Public Libraries (Amendment) Act, 1893, and shall be construed as one with the Public Libraries Act, 1892 [55 & 56 Vict. c. 53] (in this Act re-



ferred to as the principal Act), and these two Acts may be together cited as the Public Libraries Acts, 1892 and 1893.

2. *Modification as to adoption, &c., in urban districts.*—(1.) Where a library district is an urban district—

(i.) The principal Act may, subject to the conditions contained in the second section of that Act, be adopted, and the limitation of the maximum rate to be levied for the purposes of that Act may within the limits fixed by that Act be fixed, raised, or removed, by a resolution of the urban authority under this Act:

(ii.) The consent of the urban authority given by a resolution of that authority under this Act shall be substituted in an urban district for the consent of the voters in any case when the consent of the voters is required under the principal Act.

(2.) Section three of the principal Act is hereby repealed, so far as it relates to an urban district.

3. *Provision as to a resolution of an urban authority for the adoption, &c., of the principal Act* (1.) A resolution under this Act shall be passed at a meeting of the urban authority, and one month at least before the meeting special notice of the meeting and of the intention to propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(a) given in the mode in which notices to attend meetings of the authority are usually given; or

(b) where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last-known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last-known place of abode in England.

(2.) The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at a time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix.

(3.) A copy of the resolution shall be sent to the Local Government Board.

(4.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

4. *Power to two or more library authorities to combine.* (1.) Where the principal Act is adopted for two or more neighbouring urban districts, the library authorities of those districts may by agreement combine for any period for carrying the Act into execution; and the expenses of carrying the Act into execution shall be defrayed by such authorities in such proportions as may be agreed on by them.

(2.) For the purposes of the Act a joint committee may be formed, the members whereof shall be appointed by the several combining authorities in such proportions as may be agreed on, but need not be members of any of the combining authorities. Any such committee shall have such of the powers of a library authority under the principal Act, except the power of borrowing money, as the combining authorities may agree to confer upon them.

(3.) Where any of the combining authorities are improvement commissioners or a local board the provisions of the principal Act with respect to accounts and audit shall apply to such committee as if they were a local board who were a library authority under the Act.

## CHAPTER 12.

[*Day Industrial Schools (Scotland) Act, 1893.*]

An Act to make provision for the establishment of Day Industrial Schools in Scotland and to amend the Education (Scotland) Acts, 1872 to 1883. [9th June 1893.]

## CHAPTER 13.

[*Cholera Hospitals (Ireland) Act, 1893.*]

An Act to enable sanitary authorities in Ireland to take possession of land for the erection of temporary Cholera Hospitals. [9th June 1893.]

## CHAPTER 14.

[*Statute Law Revision Act, 1893.*]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. [9th June 1893.]

## CHAPTER 15.

[*Reformatory Schools (Scotland) Act, 1893.*]

An Act to amend the Acts relating to Reformatory Schools in Scotland. [9th June 1893.]

## CHAPTER 16.

[*Consolidated Fund (No. 2) Act, 1893.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-four. [9th June 1893.]

## CHAPTER 17.

[*North Sea Fisheries Act, 1893.*]

An Act to carry into effect an International Convention respecting the Liquor Traffic in the North Sea. [29th June 1893.]

Be it enacted, &c.:

1. *Confirmation of Convention.* The Convention set out in the schedule to this Act (hereinafter referred to as the scheduled Convention) is, with the Protocol thereto annexed, hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. *Penalty for supplying, exchanging, or otherwise selling spirits.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel supplies spirituous liquors to any person on board or belonging to a sea fishing boat he shall be liable—

(a) if the liquors are supplied in exchange for any article not belonging to the person supplied, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b) if the liquors are sold otherwise than by way of exchange for any such article, to a fine not exceeding thirty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

3. *Penalty for purchasing spirits by exchange or otherwise.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British sea fishing boat purchases spirituous liquors, he shall be liable—

(a) if he gives any article not belonging to him in exchange for the liquors, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b) if he purchases the liquors otherwise than by way of exchange for any such article, to a fine not exceeding ten pounds.

4. *Penalty for breach of licence.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel deals with any person on board or belonging to a

sea fishing boat in any provisions or other articles for his use, except spirituous liquors, without a licence granted in pursuance of Article Three of the scheduled Convention, or without carrying on his vessel the mark agreed upon in pursuance of that Article, or in contravention of any conditions of a licence so granted, he shall be liable to a fine not exceeding twenty pounds, and his licence may be revoked.

5. *Power to make regulations as to licences and other matters.* Her Majesty the Queen may from time to time by Order in Council make regulations for any of the following purposes:

(a) for prescribing the mode in which licences under Article Three of the scheduled Convention are to be granted, renewed, and revoked; and

(b) for prescribing the mode of application for such licences, and the conditions under which, and the time for which, the licences are to be granted; and

(c) generally for giving effect to any of the provisions of this Act or any of the articles of the scheduled Convention.

6. *Enforcement of Act.* For the purpose of enforcing the provisions of this Act in the case of British and foreign vessels, whether within or beyond the North Sea limits, all British and foreign sea fishery officers respectively within the meaning of the Sea Fisheries Act, 1883 [46 & 47 Vict. c. 22], shall have the same powers, and be entitled to the same protection, as they have and are entitled to for the purpose of enforcing the provisions of that Act in the case of British and foreign sea fishing boats respectively.

Provided that in the case of a vessel not being either a sea fishing boat or a vessel habitually employed in dealing with fishermen the power of a sea fishery officer to take the vessel to any port shall not be exercised, unless the sea fishery officer is satisfied that its exercise is necessary for the suppression of grave disorder.

7. *Legal proceedings.* Sections sixteen, eighteen, nineteen, twenty, twenty-one, and twenty-two of the Sea Fisheries Act, 1883, shall apply in the case of offences, fines, and legal proceedings under this Act in the same manner as they apply in the case of offences, fines, and legal proceedings under that Act, and in those sections as so applied the expression "sea fishing boat" shall include any vessel.

8. *Evidence.* Section seventeen of the Sea Fisheries Act, 1883, shall apply in the case of any formal statement, drawn up in pursuance of Article Seven of the scheduled Convention, in the same manner as it applies in the case of any document drawn up in pursuance of the Convention set out in the First Schedule to that Act.

9. *Definitions.* In this Act—  
The expression "North Sea limits" shall mean the limits of the North Sea as fixed by Article Four of the Convention set out in the First Schedule to the Sea Fisheries Act, 1883.  
The expression "territorial waters" shall mean the territorial waters of Her Majesty's dominions as defined by the Territorial Waters Jurisdiction Act, 1878 [41 & 42 Vict. c. 73].

The expression "sea fishing boat" shall have the same meaning as in the Sea Fisheries Act, 1883.

The expression "vessel" shall include ship, boat, lighter, and craft of every kind, whether navigated by steam or otherwise.

The expression "spirituous liquors" shall include every liquid obtained by distillation and containing more than five per centum of alcohol.

10. *Commencement and continuance of Act.* (1.) This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette.

(2.) The provisions of this Act relating to the sea fishery officers of any foreign State bound by the Convention set out in the First Schedule to the Sea Fisheries Act, 1883, shall continue in operation notwithstanding the termination of the operation of that Convention as respects that foreign State.

(3.) So much of this Act as has effect outside territorial waters shall, if the scheduled Convention ceases to be binding on Her Majesty, cease to

apply to the vessels and officers of any foreign State bound by the scheduled Convention, but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of the scheduled Convention.

(4.) A notification in the London Gazette shall be sufficient evidence of the adhesion of any foreign State to the scheduled Convention, and of the application of this Act to the vessels and officers of any foreign States.

11. *Repeal of 51 & 52 Vict. c. 18.*] The North Sea Fisheries Act, 1888, is hereby repealed.

12. *Short title.*] This Act may be cited as the North Sea Fisheries Act, 1893.

#### SCHEDULE.

##### CONVENTION RESPECTING THE LIQUOR TRAFFIC IN THE NORTH SEA.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, His Majesty the King of the Belgians, His Majesty the King of Denmark, the President of the French Republic, and His Majesty the King of the Netherlands, having recognized the necessity of remedying the abuses arising from the traffic in spirituous liquors amongst the fishermen in the North Sea outside territorial waters, have resolved to conclude a convention for this purpose, and have named as their Plenipotentiaries, that is to say: [Here follow the names of the Plenipotentiaries].

Who, after having communicated their full powers, found in good and due form, have agreed upon the following Articles:—

#### ARTICLE I.

The provisions of the present Convention shall apply to the North Sea, outside territorial waters, and within the limits fixed by Article IV. of the Convention of the Hague of the 6th May, 1882, respecting the police of the fisheries to every person on board a ship or boat of any one of the High Contracting Parties.

#### ARTICLE II.

The sale of spirituous liquors to persons on board or belonging to fishing boats is forbidden.

The purchase of those liquors by such persons is forbidden.

The exchange of spirituous liquors for any article, and especially for products of the fisheries, gear or equipments of fishing boats, or fishing implements, is forbidden.

Every liquid obtained by distillation and containing more than five litres of alcohol per hectolitre, shall be considered a spirituous liquor.

#### ARTICLE III.

The liberty to deal with fishermen in provisions and other articles for their use (spirituous liquors excepted) shall be subject to a licence to be granted by the Government of the country to which the vessel belongs. This licence must specify the following amongst other conditions:—

1. The vessel may not have on board a quantity of spirits greater than what is deemed requisite for the consumption of her crew.

2. All exchange of the articles above indicated for products of the fisheries, gear, or equipments of fishing boats, or fishing implements, is forbidden.

Vessels provided with this licence must carry a special and uniform mark to be agreed upon by the High Contracting Powers.

#### ARTICLE IV.

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or by both, those who may contravene Articles II. and III.

#### ARTICLE V.

The Tribunals competent to take cognizance of infractions of Articles II. and III. are those of the country to which the accused vessel belongs. If vessels of different nationalities should be implicated in the same infraction, the Powers to which such vessels mutually belong will mutually communicate to each other the Judgments given by the Tribunals.

#### ARTICLE VI.

Prosecutions for infractions shall be instituted by the State, or in its name.

Infractions may be verified by all means of proof allowed by the legislation of the country of the Court concerned.

#### ARTICLE VII.

The superintendence shall be exercised by the cruisers of the High Contracting Parties which are charged with the police of the fisheries.

When the officers commanding these cruisers have reason to believe that an infraction of the measures provided for in the present Convention has been committed, they may require the captain or master to exhibit the official documents establishing the nationality of his vessel, and where the case occurs, the licence. The fact of such documents having been exhibited shall then be indorsed upon them immediately.

Further, formal statements of the facts may be drawn up by the said officers whatever may be the nationality of the accused vessel. These formal statements shall be drawn up according to the forms and in the language used in the country to which the officer belongs; they may be used as means of proof in the country where they are adduced, and conformably with the laws of that country. The accused and the witnesses shall be entitled to add or to have added thereto, in their own language, any explanations which they may think useful. These declarations must be duly signed.

Resistance to the directions of Commanders of cruisers, or of those who act under their orders, shall, without taking into account the nationality of the cruisers, be considered as resistance to national authority.

The Commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending vessel into a port of the nation to which she belongs.

#### ARTICLE VIII.

The proceedings in respect of infractions of the provisions of the present Convention shall always take place as summarily as the Laws and Regulations will permit.

#### ARTICLE IX.

The High Contracting Parties will communicate to each other, at the time of the exchange of ratifications, the Laws which shall have been made in their respective countries in relation to the object of the present Convention.

#### ARTICLE X.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the Netherlands, and by the latter to the other Signatory Powers.

#### ARTICLE XI.

The present Convention shall be brought into operation from and after a day to be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, unless any of the High Contracting Parties shall, twelve months before the expiration of the said period of five years, have given notice of its intention to terminate its operation, it shall remain in force for one year longer, and so on from year to year.

If the Convention of the Hague of the 6th May, 1882, respecting the police of the fisheries, should cease to be in force, Article XXVI. of the same Convention shall continue to operate as regards the object of the present arrangement.

#### ARTICLE XII.

The present Convention shall be ratified; the ratifications shall be exchanged at the Hague as soon as possible, and, if practicable, within a year.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereto affixed their seals.

Done at the Hague, in six copies, the 16th November, 1887.

(L.S.)	W. STUART.
(L.S.)	BARON SAURMA.
(L.S.)	BARON A. D'ANETHAN.
(L.S.)	LEOPOLD ORBAN.
(L.S.)	C. M. VIRULY.
(L.S.)	LOUIS LEGRAND.
(L.S.)	V. KARNEBERG.
(L.S.)	E. N. RAHUSEN.

#### PROTOCOL.

Whereas it appears from the communications which have been received by the Government of the Netherlands that the Government of the French Republic is not at present in a position to proceed to the ratification of the Convention which was signed at the Hague on the 16th November, 1887, for remedying the abuses arising from the traffic in spirituous liquors amongst the fishermen in the North Sea outside territorial waters, the undersigned Plenipotentiaries of Great Britain, of Germany, of Belgium, of Denmark, and Minister for Foreign Affairs of the Kingdom of the Netherlands, having met in conference at the Ministry of Foreign Affairs at the Hague this 14th day of February, 1893, and being duly authorized to that effect have agreed as follows:—

1. The above-mentioned Convention shall be brought into force by the other signatory Governments, namely, Great Britain, Germany, Belgium, Denmark, and the Netherlands, six weeks after they shall have exchanged the ratifications thereof.

2. The power of adhesion accorded by Article X. of the said Convention for non-signatory States is extended to France.

3. In modification of Article XI. of the Convention the periods of five years and twelve months are respectively reduced to one year and to three months.

4. The present protocol, which shall be ratified at the same time as the Convention to which it refers, has been drawn up in five copies.

(Signed)	HORACE RUMBOLD.
"	K. DE RANTZAU.
"	BARON D'ANETHAN.
"	C. M. VIRULY.
"	W. TIENHOVEN.

#### CHAPTER 18.

[*Treasury Chest Fund Act, 1893.*]

An Act to reduce the Limit of the Balance of the Treasury Chest Fund. [29th June 1893.]

#### CHAPTER 19.

[*Weights and Measures Act, 1893.*]

An Act to amend the Law relating to Weights and Measures. [29th June 1893.]

Be it enacted, &c.:

1. *Relief of certain boroughs from contribution to county expenses.*] Where the mayor, aldermen, and burgesses of a borough, not being a county borough, and not having a separate court of quarter sessions, were, on the first day of January one thousand eight hundred and ninety-three, the legally constituted local authority for the purposes of the Weights and Measures Acts, 1878 to 1892 [41 & 42 Vict. c. 49, 52 & 53 Vict. c. 21, 55 & 56 Vict. c. 18], or for the execution of the law relating to weights and measures under any local Act, they shall be paid by the county council of the county in which the borough is situate, once in every year, the proportionate amount contributed towards the expenses incurred by the county council in the execution of those Acts by the several parishes and parts of parishes within the borough, such proportion being calculated according to the values stated in the basis for county rates in force for the time being. Provided that when the amount received by a county council from the execution of those Acts is in excess of the expenditure thereupon, a proportionate part of such excess amount shall be deducted from any sum due to such borough as a recompense under the Contagious Diseases (Animals) Acts, or the Sale of Food and Drugs Acts respectively.

2. *Short title and construction.*] This Act may be cited as the Weights and Measures Act, 1893, and shall be read as one with the Weights and Measures Acts, 1878 to 1892.

3. *Commencement.*] This Act shall come into operation on the first day of April one thousand eight hundred and ninety-four.

#### CHAPTER 20.

[*Duchy of Cornwall Management Act, 1893.*]

An Act to extend the Provisions of the Duchy



of Cornwall Management Act, 1863, relating to the Powers of Sale and Enfranchisement, and for other purposes. [29th June 1893.]

Whereas it is expedient to remove the limit of time for the exercise of the powers of sale and enfranchisement under section three of the Duchy of Cornwall Management Act, 1863 [26 & 27 Vict. c. 49], and to extend the powers of investment given by the same Act:

Be it therefore enacted, &c.:

1. *Repeal of limit imposed by 26 & 27 Vict. c. 49 for exercise of powers of sale and enfranchisement.* In section three of the Duchy of Cornwall Management Act, 1863, the words "within a period of thirty-one years from the passing of this Act" and in section twenty-two of the same Act the words "not exceeding the term of ninety-nine years" are hereby repealed.

2. *Extension of power of investment.* The power of investment conferred by the Duchy of Cornwall Management Act, 1863, is hereby extended, and shall authorize investments in any of the modes of investment authorized by section three of the Trust Investment Act, 1889, or by any Act amending or extending the same, and shall include power to vary any present or future investment for any investment authorized by this Act.

3. *Short title and construction.* This Act may be cited as the Duchy of Cornwall Management Act, 1893, and shall be construed as one with the Duchy of Cornwall Management Acts, 1863 to 1868, and those Acts and this Act may be cited collectively as the Duchy of Cornwall Management Acts, 1863 to 1893.

#### CHAPTER 21.

##### [Voluntary Conveyances Act, 1893.]

An Act to amend the Law relating to the Avoidance of Voluntary Conveyances. [29th June 1893.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Voluntary Conveyances Act, 1893.

2. *Voluntary conveyances if bona fide not to be avoided under 27 Eliz. c. 4.* Subject as herein-after mentioned no voluntary conveyance of any lands, tenements, or hereditaments, whether made before or after the passing of this Act, if in fact made bona fide and without any fraudulent intent, shall hereafter be deemed fraudulent or covinous within the meaning of the Act twenty-seven Elizabeth, chapter four, by reason of any subsequent purchase for value, or be defeated under any of the provisions of the said Act by a conveyance made upon any such purchase, any rule of law notwithstanding.

3. *Saving transactions completed before passing of Act.* This Act does not apply in any case in which the author of a voluntary conveyance of any lands, tenements, or hereditaments has subsequently, but before the passing of this Act, disposed of or dealt with the same lands, tenements, or hereditaments to or in favour of a purchaser for value.

4. *Definition of conveyance.* The expression "conveyance" includes every mode of disposition mentioned or referred to in the said Act of Elizabeth.

5. *Application to Ireland.* This Act shall extend to Ireland, and, as applied to Ireland, shall be read and construed as if the Act of the tenth year of Charles the First, session two, chapter three (Ireland), were substituted for the said Act of Elizabeth.

#### CHAPTER 22.

##### [Appeal (Forma Pauperis) Act, 1893.]

An Act to amend the Appellate Jurisdiction Act, 1876, so far as regards Appeals in Forma Pauperis. [29th June 1893.]

Be it enacted, &c.:

1. *Power to refuse to appeal in forma pauperis.* Where in an appeal to the House of Lords a petition is presented for leave to sue in forma pauperis, and the House on the report of its Appellate Committee determines that there is no prima facie case for the appeal, the House may refuse the prayer of the petition.

2. *Short title.* This Act may be cited as the Appeal (Forma Pauperis) Act, 1893.

#### CHAPTER 23.

##### [Seal Fishery (North Pacific) Act, 1893.]

An Act to provide for prohibiting the Catching of Seals at certain periods in Behring's Sea and other parts of the Pacific Ocean adjacent to Behring's Sea. [29th June 1893.]

Whereas it is expedient to extend the Seal Fishery (Behring's Sea) Act, 1891 [54 & 55 Vict. c. 19], to other waters of the North Pacific Ocean adjacent to Behring's Sea, and for that purpose to repeal and re-enact that Act:

Be it therefore enacted, &c.:

1. *Power to prohibit by Order in Council the hunting of seals in Behring's Sea and adjacent parts of the Pacific Ocean.* (1.) Her Majesty the Queen may, by Order in Council, prohibit during the period specified by the Order, the catching of seals by British ships in such parts of the seas to which this Act applies as are specified by the Order.

(2.) While an Order in Council under this Act is in force—

(a.) a person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take, any seal during the period and within the seas specified by the Order; and

(b.) a British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], and the ship and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act, and the provisions of sections one hundred and three and one hundred and four and Part Ten of the said Act, and of section thirty-four of the Merchant Shipping Act, 1876 [39 & 40 Vict. c. 80] (which are set out in the schedule to this Act), shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act, and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

(4.) Any commissioned officer on full pay in the naval service of Her Majesty the Queen shall have power, during the period and in the seas specified by the Order, to stop and examine any British ship, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this Act.

(5.) For carrying into effect an arrangement with any foreign State, an Order in Council under this Act may provide that such officers of that State as are specified in the Order may exercise the like powers under this Act as may be exercised by such a commissioned officer as aforesaid in relation to a British ship, and the equipment and crew and certificate thereof, and that such British officers as are specified in the Order may exercise, with the necessary modifications, the powers conferred by this Act in relation to a ship of the said foreign State, and the equipment and crew and papers thereof.

(6.) If during the period and within the seas specified by the Order a British ship is found having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this Act.

2. *Provision as to ship's papers.* (1.) Where an officer has power under this Act to seize a ship's certificate of registry, he may either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is

not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3. *Evidence.* (1.) A statement in writing, purporting to be signed by an officer having power in pursuance of this Act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken and that there was such opportunity as aforesaid.

4. *Orders in Council.* (1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for the purpose of this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2.) Any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this Act.

5. *Application, construction, short title, and duration of Act.* (1.) This Act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an Order in Council under this Act, and the expression "seal" in this Act shall be construed accordingly.

(2.) This Act shall apply to the seas within that part of the Pacific Ocean known as Behring's Sea and within such other parts of the Pacific Ocean as are north of the forty-second parallel of north latitude.

(3.) The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4.) This Act may be cited as the Seal Fishery (North Pacific) Act, 1893.

(5.) The Seal Fishery (Behring's Sea) Act, 1891 [54 & 55 Vict. c. 19], is hereby repealed, but any Order in Council in force under that Act shall continue as if it had been made in pursuance of this Act.

(6.) This Act shall be and remain in force until the first day of July one thousand eight hundred and ninety-five.

#### SCHEDULE.

##### ENACTMENTS OF MERCHANT SHIPPING ACT (17 & 18 VICT. C. 104) APPLIED.

###### SECTION 103.

From the words "and in order" to the end.

###### SECTION 104.

##### PART X.—LEGAL PROCEDURE.

###### Application.

###### SECTION 517.

Legal Procedure (General).

SECTIONS 518-529.

Legal Procedure (Scotland).

SECTIONS 530-543.

##### ENACTMENT OF MERCHANT SHIPPING ACT, 1876 (39 & 40 VICT. C. 80) APPLIED.

###### SECTION 34.

#### CHAPTER 24.

##### [Public Works Loans Act, 1893.]

An Act to grant Money for the purpose of certain Local Loans. [29th June 1893.]

#### CHAPTER 25.

##### [Burgh Police (Scotland) Act, 1893.]

An Act to amend the Burgh Police (Scotland) Act, 1892. [27th July 1893.]

## CHAPTER 26.

## [Prison (Officers' Superannuation) Act, 1893.]

An Act to explain and amend certain Provisions of the Prison Act, 1877, with respect to the Superannuation of Prison Officers.

[27th July 1893.]

Be it enacted, &c.:

1. Explanation of "existing officer" and "prison service" in 40 & 41 Vict. c. 21.] For the purposes of superannuation allowance the expression "existing officer of a prison" in the Prison Act, 1877, shall include and be deemed to have included any person who immediately before the commencement of that Act was an officer attached to a prison, and was appointed to hold, in immediate succession to his office, any of the offices mentioned in sections six and seven of that Act, and a superannuation allowance may be granted to any existing officer of a prison on the like conditions as if he had remained an officer of a local prison; and the expression "prison service" shall include and be deemed to have included, as respects the period after the commencement of that Act, service in any one or more of the offices mentioned in sections six and seven of that Act: Provided that nothing in this Act shall exempt any such person from the operation of any Order in Council as to compulsory retirement of permanent civil servants.

2. Short title.] This Act may be cited as the Prison (Officers' Superannuation) Act, 1893, and shall be read with the Prison Acts, 1865 to 1886.

## CHAPTER 27.

## [Land Tax Commissioners Names Act, 1893.]

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [27th July 1893.]

Whereas an Act was passed in the seventh and eighth years of the reign of His Majesty King George the Fourth [7 & 8 Geo. 4, c. 75], intitled "An Act to appoint Commissioners for carrying into execution several Acts granting an aid to His Majesty by a land tax to be raised in Great Britain, and continuing to His Majesty certain duties on personal estates, offices, and pensions in England":

And whereas several Acts have since been passed appointing additional Commissioners for carrying those Acts into execution:

And whereas it is expedient to appoint additional persons to put into execution the several Acts for granting an aid to Her Majesty by a land tax in Great Britain, and several other Acts for continuing or granting to Her Majesty rates and taxes:

Be it therefore enacted, &c.:

1. Persons named in schedule signed by Clerk of House of Commons to be additional Commissioners.] The several and respective persons named in a schedule signed by and deposited with the Clerk of the House of Commons shall and may be and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the clauses, powers, matters, and things whatsoever therein contained, as Commissioners in and for the several and respective counties, shires, and places in England and Wales in the said schedule severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth; and on the passing of this Act the said schedule shall be printed in the London Gazette, which shall be sufficient evidence of such schedule for all purposes whatsoever.

2. Short title.] This Act may be cited as the Land Tax Commissioners Names Act, 1893.

## CHAPTER 28.

## [Consolidated Fund (No. 3) Act, 1893.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-four.

[27th July 1893.]

## CHAPTER 29.

## [Railway Regulation Act, 1893.]

An Act to amend the law with respect to the Hours of Labour of Railway Servants.

[27th July 1893.]

Be it enacted, &c.:

1. Schedule of hours of labour of railway servants.]

(1.) If it is represented to the Board of Trade, by or on behalf of the servants, or any class of the servants, of a railway company, that the hours of labour of those servants, or of that class, or, in any special case, of any particular servants engaged in working the traffic, on any part of the lines of the company, are excessive, or do not provide sufficient intervals of uninterrupted rest between the periods of duty, or sufficient relief in respect of Sunday duty, the Board of Trade shall inquire into the representation.

(2.) If it appears to the Board of Trade, either on such representation or otherwise, that there is, in the case of any railway company, reasonable ground of complaint with respect to any of the matters aforesaid, the Board of Trade shall order the company to submit to them within a period specified by the Board such a schedule of time for the duty of the servants, or of any class of the servants, of the company, as will in the opinion of the Board bring the actual hours of work within reasonable limits, regard being had to all the circumstances of the traffic and to the nature of the work.

(3.) If a railway company fail to comply with any such order, or to enforce the provisions of any schedule submitted to the Board in pursuance of any such order and approved by the Board, the Board may refer the matter to the Railway and Canal Commission, and thereupon the Railway and Canal Commission shall have jurisdiction in the matter, and the Board may appear in support of the reference and the Commissioners may make an order requiring the railway company to submit to the Commission, within a period specified by the Commission, such a schedule as will, in the opinion of the Commission, bring the actual hours of work within reasonable limits.

(4.) If a railway company fail to comply with any order made by the Railway and Canal Commission in pursuance of this section, or to enforce the provisions of any schedule submitted to the Railway and Canal Commission in pursuance of any such order, and approved by that Commission, the company shall be liable to a fine not exceeding one hundred pounds for every day during which the default continues.

(5.) The Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25], shall apply in the case of any jurisdiction exercised or order made by the Railway and Canal Commission under this Act as if it were exercised or made under or for the purposes of that Act: Provided that notwithstanding anything in section five of that Act the jurisdiction of the Commission for the purposes of this Act may be exercised by the two appointed Commissioners.

(6.) The Board of Trade and the Railway and Canal Commission respectively may from time to time rescind or vary any order made by them under this section, and make such supplemental orders as the circumstances of the case may appear to require.

(7.) This Act shall not apply to any servant of a railway company who is in the opinion of the Board of Trade wholly employed either in clerical work or in the company's workshops.

2. Annual report to Parliament.] A report of all proceedings under this Act shall be made annually to Parliament by the Board of Trade.

3. Short title.] This Act may be cited as the Railway Regulation Act, 1893, and shall be read with the Railway Regulation Acts, 1840 to 1889.

## CHAPTER 30.

## [Friendly Societies Act, 1893.]

An Act to amend the Friendly Societies Act, 1875.

[27th July 1893.]

Be it enacted, &c.:

1. Short title.] This Act may be cited as the Friendly Societies Act, 1893, and shall be construed as one with the Friendly Societies Act, 1875,

[38 & 39 Vict. c. 60], hereinafter called the principal Act, and the Acts amending the same, and those Acts and this Act may be cited together, collectively, as the Friendly Societies Acts, 1875 to 1893.

2. Court or registrar not to be compelled to state special case.] Notwithstanding anything contained in the Arbitration Act, 1889 [52 & 53 Vict. c. 48], or in any other Act, the court, the chief or other registrar, or any arbitrator or umpire to whom a dispute is referred in pursuance of section twenty-two of the principal Act, shall not be compelled to state a special case on any question of law arising in the case, but the court, the chief or other registrar, may do so on the request of either party as provided in section twenty-two, sub-section (d), of the principal Act.

## CHAPTER 31.

## [Rivers Pollution Prevention Act, 1893.]

An Act to explain the Rivers Pollution Prevention Act, 1876.

[27th July 1893.]

Be it enacted, &c.:

1. Explanation of 39 & 40 Vict. c. 75, s. 3, as to drainage into streams.] Where any sewage matter falls or flows or is carried into any stream after passing through or along a channel which is vested in a sanitary authority, the sanitary authority shall, for the purposes of section three of the Rivers Pollution Prevention Act, 1876, be deemed to knowingly permit the sewage matter so to fall, flow, or be carried.

2. Construction and short title.] This Act shall be construed as one with the Rivers Pollution Prevention Act, 1876; and the Rivers Pollution Prevention Act, 1876, and this Act may be cited for all purposes as the Rivers Pollution Prevention Acts, 1876 and 1893.

## CHAPTER 32.

## [Barbed Wire Act, 1893.]

An Act to prevent the use of Barbed Wire for Fences in Roads, Streets, Lanes, and other Thoroughfares.

[27th July 1893.]

Be it enacted, &c.:

1. Short title.] This Act may be cited for all purposes as the Barbed Wire Act, 1893.

2. Interpretation.] In this Act—  
The expression "barbed wire" means any wire with spikes or jagged projections; and the expression "nuisance to a highway," as applied to barbed wire, means barbed wire which may probably be injurious to persons or animals lawfully using such highway:  
In England and Wales the expression "local authority" means any county council, any urban sanitary authority, any sanitary authority in London, any highway board, and any other local authorities existing, or that may be hereafter created by Parliament, having control over highways:

In Scotland the expression "local authority" means the burgh local authority within the meaning of the Roads and Bridges (Scotland) Act, 1878 [41 & 42 Vict. c. 51], the county council, or a district committee thereof; and the expression "court of summary jurisdiction," means the sheriff or sheriff substitute:

In Ireland the expression "local authority" means the county surveyor, or the city engineer, or the borough surveyor, as the case may be, or some person duly appointed to act for any such surveyor or engineer.

3. Removal of barbed wire, where nuisance to highway.] (1.) Where there is on any land adjoining a highway within the county or district of a local authority a fence made with barbed wire, or in or on which barbed wire has been placed, and such barbed wire is a nuisance to such highway, it shall be lawful for such local authority to serve notice in writing upon the occupier of such land requiring him within a time therein stated (not to be less than one month nor more than six months after the date of the notice) to abate such nuisance.

(2.) If on the expiration of the time stated in the notice the occupier shall have failed to comply



therewith, it shall be lawful for the local authority to apply to a court of summary jurisdiction, and such court, if satisfied that the said barbed wire is a nuisance to such highway, may by summary order direct the occupier to abate such nuisance; and on his failure to comply with such order within a reasonable time the local authority may do whatever may be necessary in execution of the order, and recover in a summary manner the expenses incurred in connection therewith.

(3.) In Ireland, sections one hundred and twelve, one hundred and fourteen, one hundred and fifteen, and two hundred and sixty-nine of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 53], shall apply, with the necessary modifications, where an order is made by a court of summary jurisdiction under this section, in like manner as if that order were an order under the said section one hundred and twelve.

4. *Proceedings where local authority is occupier of the land.* Where the local authority are the occupiers of the land, proceedings under this Act may be taken by any ratepayer within the district of the local authority, and a notice to the local authority to abate the nuisance shall be deemed to be properly served if it is served upon the clerk of the local authority, and any ratepayer taking proceedings may do all acts and things which a local authority is empowered to do.

5. *Expenses of local authority.* Any expenses incurred by a local authority in the execution of this Act shall be defrayed in like manner as the expenses of the local authority incurred in respect of any highways.

#### CHAPTER 33.

[*Housing of the Working Classes Act*, 1893.]

An Act to remove certain doubts as to the application of Part III. of the Housing of the Working Classes Act, 1890, to certain authorities in Ireland. [24th August 1893.]

#### CHAPTER 34.

[*Improvement of Land (Scotland) Act*, 1893.]

An Act to extend the operation of the Improvement of Land Act, 1864, so far as regards Scotland. [24th August 1893.]

#### CHAPTER 35.

[*Congested Districts Board (Ireland) Act*, 1893.]

An Act to amend the power of the Congested Districts Board for Ireland so far as respects the Purchase and Holding of Property. [24th August 1893.]

#### CHAPTER 36.

[*Law of Distress and Small Debts (Ireland) Act*, 1893.]

An Act to amend the Law of Distress and Small Debts (Ireland) Act, 1888. [24th August 1893.]

#### CHAPTER 37.

[*Liverpool Court of Passage Act*, 1893.]

An Act to better define the Jurisdiction and to improve the Procedure of the Court of Passage in the City of Liverpool, and for other purposes connected therewith. [24th August 1893.]

Whereas the Court of Passage in the city of Liverpool is an ancient court of record for the trial of civil actions, and the usefulness of the Court to suitors would be increased if its jurisdiction were better defined and if the procedure of the High Court were made applicable to it, and other amendments made:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Liverpool Court of Passage Act, 1893.

2. *As to jurisdiction of court.* An action may be commenced and determined in the Court of Passage when the defendant or one of the defend-

ants resides or carries on business at the time of commencing the action within the jurisdiction of the court; and an action may also be commenced and determined in the court by leave of the judge or registrar when the whole or any part of the cause of action has arisen within the jurisdiction of the court.

Provided that, except where the whole cause of action has arisen within the jurisdiction of the court, no action whereof the county court has cognizance and in which the debt demand or damage claimed does not exceed twenty pounds, shall be commenced in the Court of Passage.

3. *Cases where judge of High Court may order action of contract to be tried in Court of Passage.* Where in any action of contract which is brought in the High Court and which might have been brought in the Court of Passage the claim indorsed on the writ does not exceed one hundred pounds, or where the claim in any such action though it originally exceeded one hundred pounds is reduced by payment of an admitted set-off or otherwise to a sum not exceeding one hundred pounds, it shall be lawful for either party to the action at any time if the whole or part of the demand of the plaintiff be contested to apply to a judge of the High Court at Chambers to order such action to be tried in the Court of Passage; and on the hearing of the application the judge may without prejudice to the power of the judge under section 65 of the County Courts Act, 1888 [51 & 52 Vict. c. 43], order such action to be tried accordingly; and thereupon the plaintiff shall lodge the original writ pleadings (if any) and the order with the registrar of the Court of Passage; and the action and all proceedings therein shall be tried and taken as if the action had been originally commenced in the Court of Passage, and the costs of the parties in respect of proceedings subsequent to the order of the judge of the High Court shall be allowed according to the scale of costs for the time being in use in the Court of Passage not exceeding such costs as would have been allowed or be payable if the action had been remitted to and tried in the county court, and the costs of the order and all proceedings previously thereto shall be allowed according to the scale of costs for the time being in use in the Supreme Court.

4. *Actions of tort in High Court may in certain cases be remitted to Court of Passage.* It shall be lawful for any person against whom an action of tort which might have been brought in the Court of Passage is brought in the High Court to make an affidavit that the plaintiff has no visible means of paying the costs of the defendant should a verdict be not found for the plaintiff, and thereupon a judge of the High Court shall have power to make an order that unless the plaintiff shall within a time to be therein mentioned give full security for the defendant's costs to the satisfaction of one of the Masters of the Supreme Court or satisfy a judge of the High Court that he has a cause of action fit to be prosecuted in the High Court all proceedings in the action shall be stayed, or, in the event of the plaintiff being unable or unwilling to give such security or failing to satisfy a judge as aforesaid, without prejudice to the power of the judge under section sixty-six of the County Courts Act, 1888, that the action be remitted for trial to the Court of Passage; and thereupon the plaintiff shall lodge the original writ pleadings (if any) and the order with the registrar of such court; and the action and all proceedings therein shall be tried and taken as if the action had originally been commenced in the Court of Passage, and the costs of the parties in respect of the proceedings subsequent to the order of the judge of the High Court shall be allowed according to the scale of costs for the time being in use in the Court of Passage not exceeding such costs as would have been allowed or be payable if the action had been remitted to and tried in the county court, and the costs of the order and all proceedings previously thereto shall be allowed according to the scale of costs for the time being in use in the Supreme Court.

5. *Where action may be removed on security given.* It shall be lawful for the High Court or a judge thereof to order the removal into the High Court by writ of certiorari or otherwise of any action or matter commenced in the Court of Passage if the High Court or a judge thereof shall deem it

desirable that the action or matter shall be tried in the High Court, and upon such terms as to payment of costs, giving security, or otherwise as the High Court or a judge thereof shall think fit to impose.

6. *Presiding judge of court.* The assistant barrister or assessor of the Court of Passage shall henceforth be and be styled the presiding judge of the Court of Passage, and shall have and may exercise all powers, authorities, and jurisdictions belonging or which but for this Act would have belonged to the said court or to the mayor of the city of Liverpool as judge or member of the said court; and he shall have the same power, jurisdiction, and authority in regard to causes in the Court of Passage (subject to rules of court) as is possessed by a judge of the High Court in similar matters sitting in chambers or at Nisi Prius.

7. *Powers of registrar.* The registrar of the Court of Passage shall, in dealing with actions or with matters and proceedings in an action, have (subject to rules of court) all the powers which a registrar, district registrar, master, taxing officer, or associate of the High Court has or would have in the same matter if the same were proceeding in the High Court.

8. *Application of practice and procedure of High Court.* It shall be lawful for the presiding judge of the Court of Passage by order under his hand, made with the concurrence of the authority for the time being empowered to make rules for the Supreme Court, to adopt and apply to the Court of Passage all or any of the rules of the Supreme Court, 1883, or any other rules and orders for the time being in force which regulate the practice and procedure of the High Court, with such modifications (if any) as the judge or the authority aforesaid may think fit, and from and after the coming into operation of such order all existing enactments or rules inconsistent therewith shall be repealed so far as relates to the Court of Passage.

No order made under this section with such concurrence as aforesaid shall be held invalid by reason of extending or otherwise affecting the jurisdiction of the Court of Passage or of the presiding judge or registrar or other officer thereof.

9. *Appeal from registrar to judge.* All orders made and decisions and directions given by the registrar of the court shall be subject to appeal to the presiding judge.

10. *Appeal from judge of court.* An appeal shall be allowed upon the trial of any issue in the Court of Passage in every case where an appeal would be allowed on a trial at Nisi Prius and subject to the same rules, regulations, and provisions.

#### CHAPTER 38.

[*Conveyance of Mails Act*, 1893.]

An Act to make further provision for the Conveyance of Her Majesty's Mails. [24th August 1893.]

Be it enacted, &c.:

1. *Differences as to remuneration for conveyance of mails.* Where under any Act relating to the conveyance of mails or under the Post Office (Parcels) Act, 1882 [45 & 46 Vict. c. 74], it is provided that any matter of difference relating to any remuneration or compensation to be paid by the Postmaster-General to any railway company shall be referred to arbitration, that matter of difference shall at the instance of any party thereto be referred to the Railway and Canal Commission instead of to arbitration, and that Commission shall determine the same, and this provision shall apply to any matter of difference referred to in section eight of the Post Office (Parcels) Act, 1882, where such railway companies as therein mentioned, or any company or person owning a steam vessel, or is one party to the arbitration in like manner as it applies to a difference where a single railway company is a party to the arbitration.

2. *Carriage of mails on tramways.* (1.) Every tramway company, that is to say, every company, body, or person owning or working any tramway authorized by any Act passed after the first day of January one thousand eight hundred and ninety-three, shall if required by the Postmaster-General, perform with respect to any tramway owned or

worked by the company all such reasonable services in regard to the conveyance of mails as the Postmaster-General from time to time requires: Provided as follows:—

- (a.) Nothing in this section shall authorize the Postmaster-General to require mails in excess of the following weights to be carried in or upon any carriage, that is to say:—
- (i.) If the carriage is conveying or intended to convey passengers, and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and
  - (ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by the Railway and Canal Commission.
  - (iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels, or for the luggage of ordinary passengers, whichever is the greater.
- (b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.
- (c.) Nothing in this section shall authorize the Postmaster-General to require any mails to be carried in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger.
- (d.) If goods as well as passengers and parcels are carried on the tramway the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the tramway company were a railway company, and the tramway were a railway.
- (2.) The remuneration for any services performed in pursuance of this section shall be such as may be from time to time determined by agreement between the Postmaster-General and the tramway company, or in default of agreement by the Railway and Canal Commission, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.
- (3.) For the purpose of this section a requisition by the Postmaster-General may be signified by writing under the hand of any person who is at the time either Postmaster-General or a Secretary or Assistant Secretary of the Post Office, or the Inspector-General of Mails; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.
- 3. Carriage of mails on tramroads.]** Every tramroad authorized by any Act passed after the first day of January, one thousand eight hundred and ninety-three shall, for the purposes of the conveyance of mails, be deemed to be a railway, and the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this Act, apply to every such tramroad and to the company, body, or person owning or working the same as if the tramroad were a railway, and the company, body, or person were a railway company.
- 4. Determination of differences.]** Notwithstanding anything in the Railway and Canal Traffic Act, 1888, any matter of difference directed to be determined by the Railway and Canal Commission under this Act may in the discretion of the Commission be heard and determined by the two appointed Commissioners, whose order shall be

deemed to be the order of the Commission, and subject to this provision all proceedings relating to any such matter of difference shall be conducted by the Commission in the same manner as any other proceeding is conducted by them under the Railway and Canal Traffic Act, 1873 and 1888, or any Act amending the same, and any order of the Commission upon any such difference shall be enforceable as any other order of the Commission.

#### 5. Definitions.] (1.) In this Act—

The expression "mails" has the same meaning as in the Regulation of Railways Act, 1873 [36 & 37 Vict. c. 48], and includes parcels within the meaning of the Post Office (Parcels) Act, 1882 [45 & 46 Vict. c. 74]:

The expression "Act" means any Act of Parliament whether public general, local and personal, or private, and includes any order confirmed by any such Act, and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864 [27 & 28 Vict. c. 121], and an Order in Council made by the Lord Lieutenant of Ireland under the Tramways (Ireland) Act, 1860 to 1891, or the Railways (Ireland) Act, 1890 [53 & 54 Vict. c. 52]:

The expression "tramway" means a tramway authorized by an Act to be constructed wholly along public roads or streets without any deviation therefrom:

The expression "tramroad" means any tramroad or tramway which is not a tramway as herein-before defined, and includes a tramway or light railway constructed under the Tramways (Ireland) Acts, 1860 to 1891, or the Railways (Ireland) Act, 1890.

(2.) A railway, tramway, or tramroad shall be deemed to be authorized by an Act passed after the first day of January one thousand eight hundred and ninety-three, where the construction of the railway, tramway, or tramroad is first authorized, or where the time for its construction is extended by an Act passed after the date aforesaid.

**6. Short title.]** This Act may be cited as the Conveyance of Mails Act, 1893.

### CHAPTER 39.

#### [Industrial and Provident Societies Act, 1893.]

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies. [12th September 1893.]

Whereas it is expedient to consolidate and amend the law relating to industrial and provident societies:

Be it therefore enacted, &c.:

#### Preliminary.

**1. Short title of Act.]** This Act may be cited as the Industrial and Provident Societies Act, 1893.

**2. Extent of Act.]** This Act shall come into operation on the first day of January next after the passing thereof, and shall extend to Great Britain and Ireland and the Channel Islands.

**3. Existing societies.]** Every incorporated society now existing which has been registered or certified under any Act relating to industrial and provident societies shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

#### Registration of Societies.

**4. Societies which may be registered.]** A society which may be registered under this Act (herein called an industrial and provident society) is a society for carrying on any industries, businesses, or trades specified in or authorized by its rules, whether wholesale or retail, and including dealings of any description with land. Provided that—

- (a.) No member other than a registered society shall have or claim any interest in the shares of the society exceeding two hundred pounds, and
- (b.) In regard to the business of banking, the society shall be subject to the provisions herein-after contained.

**5. Conditions of registration.]** With respect to the registry of new societies the following provisions shall have effect:—

- (1.) No society can be registered under this Act which does not consist of seven persons at least:
- (2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and two printed copies of the rules, shall be sent to the registrar:
- (3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the registrar, to mislead the members or the public as to its identity, and no society shall change its name except in the manner herein-after provided.
- (4.) A society registered under the Industrial and Provident Societies Act, 1852, and not registered under the Industrial and Provident Societies Acts, 1862, 1867, or 1876, may obtain from the registrar an acknowledgment of registry under this Act:
- (5.) The word "limited" shall be the last word in the name of every society registered under this Act:
- (6.) A society carrying or intending to carry on business in more than one part of the United Kingdom shall be registered in the part in which its registered office, as herein mentioned, is situate; but copies of the rules of the society and of all amendments of the same shall, when registered, be sent to the registrar of each of the other parts to be recorded by him, and until such rules are so recorded the society shall not be entitled to any of the privileges of this Act in the part in which such rules have not been recorded, and until such amendments are so recorded the same shall not take effect in such part.

**6. Acknowledgment of registry.]** The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry.

**7. Appeals from refusal to register.]** If the registrar refuses to register the society or any rules or amendments of rules, the society may appeal from such refusal as follows:—

- (a.) In England or Ireland to the High Court;
  - (b.) In Scotland to either division of the Inner House of the Court of Session.
- (2.) If the refusal of registry is overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

**8. Effect of acknowledgment of registry.]** The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registry of the society has been suspended or cancelled.

#### Cancelling and Suspension of Registry.

**9. Cancelling and suspension of registry.]** (1.) The registrar may cancel the registry of a society by writing under his hand or seal:

- (a.) If at any time it is proved to his satisfaction that the number of the members of the society has been reduced to less than seven or that an acknowledgment of registry has been obtained by fraud or mistake, or that the society has ceased to exist;
  - (b.) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct;
  - (c.) With the approval of the Treasury, on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully and after notice from a registrar violated any of the provisions of this Act.
- (2.) The registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand or seal, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.
- (3.) Not less than two months' previous notice in writing, specifying briefly the ground of any



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proposed cancelling or suspension of registry, shall be given by the registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some local newspaper circulating in or about the locality in which the registered office of the society is situated, as soon as practicable after the same takes place.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after three months, in manner herein provided for appeals from the registrar's refusal to register.

(5.) A society whose registry has been suspended or cancelled shall from the date of publication in the Gazette of notice of such suspension or cancelling (but, if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place.

*Rules.*

10. *Rules and amendments.* (1.) The rules of a society registered under this Act shall contain provisions in respect of the several matters mentioned in the Second Schedule to this Act.

(2.) An amendment of a rule of a society registered under this Act shall not be valid until the same has been registered under this Act, for which purpose two copies of the same, signed by three members and the secretary, shall be sent to the registrar.

(3.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

(4.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling.

(5.) The rules of a registered society, or any schedule thereto, may set forth the form of any instrument necessary for carrying the purposes of the society into effect.

(6.) The rules of every society registered under this Act shall provide for the profits being appropriated to any purposes stated therein or determined in such manner as the rules direct.

*Duties of Registered Societies.*

11. *Registered office.* Every registered society shall have a registered office to which all communications and notices shall be addressed, and shall send to the registrar notice of the situation of such office, and of every change therein.

12. *Publication of name.* Every registered society shall paint or affix, and keep painted or affixed, its registered name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its registered name engraved in legible characters on its seal, and have its registered name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society.

13. *Audit.* (1.) Every registered society shall once at least in every year submit its accounts for audit either to one of the public auditors appointed as in this Act mentioned, or to two or more persons appointed as the rules of the society provide.

(2.) The auditors shall have access to all the books, deeds, documents, and accounts of the society, and shall examine the balance sheets showing the receipts and expenditure, funds and effects of the society, and verify the same with the books, deeds, documents, accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find them incorrect, unvouched, or not in accordance with law.

14. *Annual returns.* (1.) Every registered society shall once in every year, not later than the thirty-first day of March, send to the registrar an annual return of the receipts and expenditure, funds and effects, of the society as audited.

(2.) The annual return—

(a.) shall be signed by the auditor or auditors; and

(b.) shall shew separately the expenditure in respect of the several objects of the society; and

(c.) shall be made out from the date of its registration or last annual return to that of its last published balance sheet, provided that the last-named date is not more than one month before or after the thirty-first of December then last, or otherwise to the said day of December inclusive; and

(d.) shall state whether the audit has been conducted by a public auditor appointed as by this Act is provided, and by whom, and, if by any persons other than a public auditor, shall state the name, address, and calling or profession of every such person, and the manner in which, and the authority under which, he is appointed.

The society shall, together with the annual return, send a copy of the report of the auditors, or, if more than one such report has been made during the period included in the return, a copy of each of such reports.

15. *Supply of copies of annual returns.* Every registered society shall supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being.

16. *Copy of last balance sheet.* Every registered society shall keep a copy of the last Balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.

*Inspection of Books.*

17. *Inspection of books by members.* (1.) Save as provided by this Act, no member or person shall have any right to inspect the books of a registered society, notwithstanding anything in the existing rules relating to such inspection.

(2.) Any member or person having an interest in the funds of a registered society shall be allowed to inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept, subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society.

(3.) A registered society may, by any rules registered after this Act is passed, authorize the inspection of any of its books therein mentioned, in addition to the said books containing the names of members, under such conditions as are thereby imposed, so that no person, unless he be an officer of the society, or be specially authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent.

18. *Inspection of books by order of registrar.* (1.) The registrar may, if he thinks fit, on the application of ten members of a registered society, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society, and to report thereon.

(2.) Provided as follows,—

(a.) the applicants shall deposit with the registrar such sum as a security for the costs of the proposed inspection as the registrar may require; and

(b.) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the registrar may direct.

(3.) A person appointed under this section shall have power to make copies of any books of the society, and to take extracts therefrom, at all reasonable hours, at the registered office of the society, or at any place where the books are kept.

(4.) The registrar shall communicate the results of any such inspection to the applicants and to the society.

*Banking by Societies.*

19. *Conditions of banking by societies.* (1.) No registered society which has any withdrawable share capital shall carry on the business of banking.

(2.) Every registered society which carries on the business of banking shall on the first Mondays in February and August in each year make out and keep conspicuously hung up in its registered office, and every other office or place of business belonging to it where the business of banking is carried on, a statement in the form in the Third Schedule, or as near thereto as the circumstances admit.

(3.) The taking deposits of not more than ten shillings in any one payment, payable on not less than two clear days notice, shall not be included in the business of banking within the meaning of this Act; but no society which takes such deposits shall make any payment of withdrawable capital while any claim due on account of any such deposit is unsatisfied.

*Returns and Documents.*

20. *Form and deposit of documents.* Every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes, and shall be deposited and registered or recorded, with or without observations thereon, in such manner as the chief registrar directs.

*Privileges of Societies.*

21. *Incorporation of society with limited liability.* The registration of a society shall render it a body corporate by the name described in the acknowledgment of registry, by which it may sue and be sued, with perpetual succession and a common seal, and with limited liability; and shall vest in the society all property for the time being vested in any person in trust for the society; and all the legal proceedings pending by or against the trustees of any such society may be prosecuted by or against the society in its registered name without abatement.

22. *Rules to bind members.* The rules of a registered society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators, and assigns, to conform thereto, subject to the provisions of this Act: Provided that a society registered at the time when this Act comes into operation, or the members thereof, may respectively exercise any power given by this Act, and not made to depend on the provisions of its rules, notwithstanding any provision contained in any rule thereof registered before this Act was passed.

23. *Remedy for debts from members.* (1.) All moneys payable by a member to a registered society shall be a debt due from such member to the society, and shall be recoverable as such either in the county court of the district in which the registered office of the society is situated, or in that of the district in which such member resides, at the option of the society.

(2.) A registered society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member thereon in or towards the payment of such debt.

24. *Exemption from income tax.* A registered society shall not be chargeable under Schedules C. and D. of the Income Tax Acts unless it sells to persons not members thereof, and the number of shares of the society is limited either by its rules or its practice. But no member of or person employed by the society shall be exempt from any assessment to the said duties to which he would be otherwise liable.

25. *Power of nomination for sums not exceeding one hundred pounds.* (1.) A member of a registered society, not being under the age of sixteen years, may, by a writing under his hand, delivered at or sent to the registered office of the society during the lifetime of such member, or made in any book

kept thereat, nominate any person or persons other than an officer or servant of the society (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator) to or among whom his property in the society, whether in shares, loans, or deposits, or so much thereof as is specified in such nomination, if the nomination does not comprise the whole, shall be transferred at his decease, provided the amount credited to him in the books of the society does not then exceed one hundred pounds sterling.

(2.) A nomination so made may be revoked or varied by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid, but shall not be revocable or variable by the will of the nominator or any codicil thereto.

(3.) The society shall keep a book wherein the names of all persons so nominated and of all revocations or variations, if any, of such nominations shall be regularly entered. And the property comprised in any such nomination shall be payable or transferable to the nominee, although the rules of the society declare the shares to be generally not transferable.

26. *Proceedings on the death of a nominator.* (1.) On receiving satisfactory proof of the death of a nominator, the committee of the society shall either transfer the property comprised in the nomination in manner directed by it, or pay to every person entitled thereunder the full value of the property given to him, unless the shares comprised therein, if transferred as directed by the nominator, would raise the share capital of any nominee to a sum exceeding two hundred pounds, in which case they shall pay him the value of such shares.

(2.) If the total property of the nominator in the society at his death exceeds eighty pounds the committee shall, before making any payment, require production of a duly stamped receipt for the succession or legacy duty payable thereon, or a letter or certificate stating that no such duty is payable from the Commissioners of Inland Revenue, who shall give such receipt, letter, or certificate, on payment of the duty, or satisfactory proof of no duty being payable, as the case may be.

27. *Provisions for intestacy.* (1.) If any member of a registered society entitled to property therein in respect of shares, loans, or deposits, not exceeding in the whole, at his death, one hundred pounds, dies intestate, without having made any nomination thereof then subsisting, the committee may, without letters of administration, distribute the same among such persons as appear to them, on such evidence as they deem satisfactory, to be entitled by law to receive the same, subject, if such property exceeds eighty pounds, to the obtaining from the Commissioners of Inland Revenue a receipt for the succession or legacy duty payable thereon, or a letter or certificate stating that no such duty is payable.

(2.) If any such member is illegitimate and leaves no widow, widower, or issue, the committee shall deal with his property in the society as the Treasury shall direct.

28. *Probate duty to be paid where the whole estate exceeds one hundred pounds.* If elsewhere than in Scotland the whole personal estate, or in Scotland the whole movable estate, of any person entitled to make a nomination under this Act exceeds one hundred pounds sterling, any sum paid under this Act without probate or letters of administration shall, notwithstanding such nomination or payment, be liable to probate duty as part of the amount on which such duty is charged, and the committee, before making any such payment, may require a statutory declaration by the claimant or one of the claimants that the total personal or movable estate of the deceased, including the sum in question, does not, after deductions of debts and funeral expenses, exceed the value of one hundred pounds.

29. *Power to deal with the property of insane or lunatic members.* Where a member or person claiming through a member of a society is insane, and no committee of his estate or trustee of his property has been duly appointed, the society may, when it is proved to the satisfaction of the committee that it is just and expedient so to do, pay the amount of the shares, loans, and deposits not

exceeding one hundred pounds belonging to such member or person, to any person whom they shall judge proper to receive the same on his behalf, whose receipt shall be a good discharge to the society for any sum so paid.

30. *Payments to persons apparently entitled valid.* All payments or transfers made by the committee of a registered society, under the provisions of this Act with respect to payments or transfers to or on behalf of deceased or insane members, to any person who at the time appears to the committee to be entitled thereunder, shall be valid and effectual against any demand made upon the committee or society by any other person.

31. *Transfer of stock standing in name of trustee.* (1.) When any person in whose name any stock belonging to a registered society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, as a trustee therefor, is absent from Great Britain or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society.

(2.) The transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so directs, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be.

(3.) The Banks of England and Ireland are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

32. *Membership of minors.* A person under the age of twenty-one but above the age of sixteen may be a member of a registered society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as by this Act provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, trustee, manager or treasurer of the society.

33. *Promissory notes and bills of exchange.* A promissory note or bill of exchange shall be deemed to have been made, accepted, or indorsed on behalf of any society if made, accepted, or indorsed in the name of the society, or by or on behalf or account of the society, by any person acting under the authority of the society.

34. *Register of members or shares.* Any register or list of members or shares kept by any society shall be *prima facie* evidence of any of the following particulars entered therein:—

- (a.) The names, addresses, and occupations of the members, the number of shares held by them respectively, the number of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares;
- (b.) The date at which the name of any person, company, or society was entered in such register or list as a member;
- (c.) The date at which any such person, company, or society ceased to be a member.

35. *Contracts how made, varied, or discharged.* Contracts on behalf of a registered society may be made, varied, or discharged as follows:—

- (a.) Any contract, which if made between private persons would be by law required to be in writing, and if made according to the English law to be under seal, may be made on behalf of the society in writing under the common seal of the society, and may in the same manner be varied or discharged;
- (b.) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf

of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

(c.) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society;

(d.) Any contract, which if made between private persons would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

(e.) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied, or discharged by or on behalf of the society, shall *prima facie* be taken to be the signature of a person holding at the time when the signature was made the office so stated.

All contracts which may be or have been made, varied, or discharged according to the provisions contained in this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors, or administrators as the case may be.

#### Property and Funds of Registered Society.

36. *Holding of land.* A registered society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same, or grant bonds and dispositions on security or other heritable securities over the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, tenant, or bondholder shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, lease, or heritable security.

37. *Provision as to copyholds.* Where any registered society is entitled in equity to any hereditaments of copyhold or customary tenure either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit such persons (not to exceed three) as such society appoints to be trustees on its behalf, as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant, or may admit the society as tenant in respect of the same on payment of such special fine or compensation, in lieu of fine and fees, as may be agreed upon between such lord and the society.

38. *Investments by societies.* (1.) A registered society may invest any part of its capital in or upon any security authorized by its rules, and also, if the rules do not direct otherwise—

- (a.) in or upon any security in which trustees are for the time being authorized by law to invest; and
- (b.) in or upon any mortgage, bond, debenture, debenture stock, corporation stock, annuity, rentcharge, rent, or other security (not being securities payable to bearer) authorized by or under any Act of Parliament passed or to be passed of any local authority as defined by section thirty-four of the Local Loans Act, 1875 [38 & 39 Vict. c. 83]; and
- (c.) in the shares or on the security of any other society registered or deemed to be registered under this Act, or under the Building Societies Acts, or of any company registered under the Companies Acts or incorporated by Act of Parliament or by charter, provided that no such investment be made in the shares of any society or company other than one with limited liability.



(3.) A society so investing shall be deemed to be a person within the meaning of the Companies Act, and of the Building Societies Act.

(3.) Any investments made before the passing of this Act, which would have been valid if this Act had then been in force, are hereby ratified and confirmed.

39. *Power to invest in savings banks.*] A society (not being one chargeable with income tax in pursuance of this Act) may invest its capital and funds, or any part thereof to any amount, in any savings bank certified under the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], or in a post office savings bank.

40. *Advances to members.*] The rules of a registered society may provide for advances of money to members on the security of real or personal property, or in the case of a society registered to carry on banking business in any manner customary in the conduct of such business.

41. *Societies members of other bodies corporate may vote by proxy.*] A registered society which has invested any part of its capital in the shares or on the security of any other body corporate may appoint as proxy any one of its members although such member is not personally a shareholder of such other body corporate. The proxy shall, during the continuance of his appointment, be taken in virtue thereof as holding the number of shares held by the society by whom he is appointed for all purposes except the transfer of any such shares, or the giving receipts for any dividends thereon.

42. *Any body corporate may hold shares in a society.*] Any other body corporate may, if its regulations permit, hold shares by its corporate name in a registered society.

43. *Discharge of mortgages by receipt indorsed.*] In England and Ireland—

(1.) A receipt in full, signed by two members of the committee, and countersigned by the secretary, of a registered society, for all moneys secured to the society on the security of any property to which such receipt relates, and being in the Form A. in the Third Schedule to this Act, or in any other form specified in the rules of the society or any schedule thereto, if indorsed on or annexed to any mortgage or assurance, shall vacate the same and vest the property therein comprised in the person entitled to the equity of redemption thereof without any formal re-conveyance or surrender.

(2.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure, and is entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall, on production of such receipt verified by oath or statutory declaration of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof; and such registrar, recording officer, steward, or keeper of the register shall be entitled, for making the said entry and granting the said certificate, to a fee of two shillings and sixpence, which in Ireland shall be paid by stamps and applied in accordance with the Public Offices Fees Act, 1879 [42 & 43 Vict. c. 58].

44. *Discharge of mortgages in Scotland.*] In Scotland—

(1.) A receipt in full, signed by two members of the committee, and countersigned by the secretary, of a registered society, for all moneys secured to the society on the security of any property to which such receipt relates, and being in or as nearly as may be in the Form B. in the Third Schedule to this Act, if indorsed on or annexed to any heritable security other than one in the form of an ex-facie or other absolute conveyance or disposition, shall, on the registration thereof in

the appropriate register of sasines, operate as a renunciation and discharge of such heritable security, and effectually disburden the lands, or estate in land, or other subjects comprised therein, in the same manner and to the same effect as if a formal discharge containing all usual clauses according to the present practice had been granted by the society.

(2.) Such a receipt so signed, and being in or as nearly as may be in the Form C. in the said schedule, indorsed on or annexed to any heritable security in the form of an ex-facie or other absolute conveyance, or of an absolute disposition, whether qualified by a back bond or not, shall, on the registration thereof in the appropriate register of sasines, effectually discharge the heritable security so constituted, and disburden the lands, or estate in land, or other subjects comprised in the heritable security, and vest and convey the same in and to the person or persons entitled thereto at the date of the granting of the receipt, and that to the same effect and in the same manner as if a formal conveyance, containing all usual clauses according to the present practice, had been granted by the society to such person or persons and duly recorded.

(3.) Such a receipt so signed, and being in or as nearly as may be in the Form D. in the said schedule hereto, indorsed on or annexed to any security or assurance other than a heritable security, shall (on being duly intimated where the original security or assurance was intimated) vacate the same, and re-vest the property therein comprised in the person or persons entitled to the same, without the necessity of any more formal discharge or other deed.

(4.) Nothing herein contained shall preclude any person or persons from adopting the forms and procedure presently in use in lieu of those provided under this Act, and in case of any error or defect in connection with the use of the forms under this Act, it shall be competent of new to make and record any deed or deeds which may be necessary, whether under this Act or otherwise.

(5.) The registration of such receipts as aforesaid shall be made in conformity with the provisions regulating registration in the registers concerned, but the dues on the registration of any one receipt shall in no case exceed five shillings. No stamp duty shall be payable on any receipt registered under this section.

(6.) In this section, and in the schedule relating thereto, the expressions "heritable security," "lands" (including "land"), "estate in land," "debtor," "successors" (including "successor"), "deed" or "deeds" and "conveyance," shall each respectively have the meaning attached thereto by the Titles to Land Consolidation (Scotland) Act, 1868 [31 & 32 Vict. c. 101], the Titles to Land Consolidation (Scotland) Amendment Act, 1869 [32 & 33 Vict. c. 116], and the Conveyancing (Scotland) Act, 1874 [37 & 38 Vict. c. 94], and the expression "heritable security" shall include securities over lands or estates in lands by way of ex-facie or other absolute dispositions whether qualified by a back bond or not.

45. *Receipt in case of society in liquidation.*] Where a registered society is in liquidation, the signature to such a receipt as aforesaid of the liquidator or liquidators for the time being, described as such, shall have the same effect, and shall be entitled to the same exemption from stamp duty, as would under this Act attach to a similar receipt signed as aforesaid if the society were not in liquidation.

46. *Execution of deeds.*] (1.) Any deed or writ to which any registered society is a party shall be held to be duly executed on behalf of such society in Scotland if it is either executed in conformity with the present law thereof or is sealed with the common seal of the society, subscribed on its behalf by two members of the committee and the secretary of the society, whether such subscription is attested by witnesses or not.

(2.) On payment of all moneys intended to be secured to a society by any of the aforesaid securities, the debtor or his successor or representatives shall be entitled to a receipt in the appropriate form provided by this Act.

*Officers in receipt or charge of Money.*

47. *Security by officers.*] Every officer of a registered society having receipt or charge of money, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound, either with or without a surety as the committee may require, in a bond according to one of the forms set forth in the Third Schedule to this Act, or such other form as the committee of the society approve, or give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

48. *Accounts of officers.*] (1.) Every officer of a registered society having receipt or charge of money, or his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

(2.) This section shall apply to every servant of a registered society in receipt or charge of money in every case where he is not engaged under a special agreement to account.

*Disputes.*

49. *Decision of disputes.*] (1.) Every dispute between a member of a registered society, or any person aggrieved who has for not more than six months ceased to be a member of a registered society, or any person claiming through such member or person aggrieved, or claiming under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, if they contain any such direction, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

(2.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant registrar in Scotland or Ireland, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society.

(3.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act.

(4.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction.

Provided that in every case of dispute cognizable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the county court, which may hear and determine the matter in dispute.

(5.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(6.) Notwithstanding anything contained in the Arbitration Act, 1889 [52 & 53 Vict. c. 49], or in any other Act, the court and the chief or other registrar shall not be compelled to state a special case on any question of law arising in the case, but the court or chief or other registrar, may, at the request of either party, state a case for the opinion in England or Ireland of the Supreme Court of Judicature, and in Scotland of either division of the Inner House of the Court of Session, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant such warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity; such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine.

#### Inspection of Affairs.

50. *Power to appoint inspectors.* (1.) Upon the application of one tenth of the whole number of members of a registered society, or of one hundred members in the case of a society exceeding one thousand members, the chief registrar, or, in the case of societies registered and doing business exclusively in Scotland or Ireland, the assistant registrar for Scotland or Ireland respectively, but with the consent of the Treasury in every case, may—

(a.) appoint an inspector or inspectors to examine into and report on the affairs of such society; or

(b.) call a special meeting of the society.

(2.) The application under this section shall be supported by such evidence, for the purpose of shewing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct.

(3.) The chief registrar or such assistant registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting before appointing any inspector or calling such meeting.

(4.) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the chief registrar or such assistant registrar shall direct.

(5.) An inspector appointed under this section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(6.) The chief registrar or such assistant registrar may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

#### Change of Name: Amalgamation: Conversion.

51. *Meaning of special resolution.* For the purposes of this Act a special resolution shall mean a resolution which is—

(a.) passed by a majority of not less than three fourths of such members of a registered society for the time being entitled under the rules to vote as may have voted in person, or by proxy where the rules allow proxies, at

any general meeting of which notice, specifying the intention to propose the resolutions has been duly given according to the rules; and

(b.) confirmed by a majority of such members for the time being entitled under the rules to vote as may have voted in person, or by proxy where the rules allow proxies, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed.

At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

52. *Power to change name.* A registered society may, by special resolution, with the approval in writing of the chief registrar, or, in the case of societies registered and doing business exclusively in Scotland or Ireland, the assistant registrar for Scotland or Ireland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name.

53. *Amalgamation and transfer of engagements.*

(1.) Any two or more registered societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the special resolution amalgamating the societies.

(2.) Any registered society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

54. *Conversion of society into company.* (1.) A registered society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

(2.) If a special resolution for converting a registered society into a company contains the particulars by the Companies Acts required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act.

(3.) If a registered society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the chief registrar or by the assistant registrar for Scotland or Ireland under his direction; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and, for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, shall have priority, as against the property of such company, over all other rights or claims against or liabilities of such company.

55. *Conversion of company into society.* (1.) A company registered under the Companies Acts may, by a special resolution, determine to convert itself into a registered society, and, for this purpose, in any case where the nominal value of its shares held by any member other than a registered society exceeds two hundred pounds, may, by such resolution, provide for the conversion of the excess of such share capital over two hundred pounds into a transferable loan stock bearing such rate of interest as may thereby be fixed, and repayable on such conditions only as are in such resolution determined.

(2.) A resolution for the conversion of a company into a registered society shall be accompanied by a copy of the rules of the society therein referred to, and shall appoint seven persons, members of the

company, who, together with the secretary, shall sign the rules, and who may either be authorized to accept any alterations made by the registrar therein, without further consulting the company, or may be required to lay all such alterations before the company in general meeting for acceptance as the resolution may direct.

(3.) With the rules a copy of the special resolution for conversion of the company into a registered society shall be sent to the registrar, who, upon the registration of the society, shall give to it, in addition to the acknowledgment of registry, a certificate similarly sealed or signed that the rules of the society referred to in the resolution have been registered, but in the registered name of the company as a society the word "company" shall not be used.

(4.) A copy of the resolution for the conversion of the company into a registered society under the seal of the company, together with the certificate so issued by the registrar, shall be sent for registration to the office of the Registrar of Joint Stock Companies, and, upon the registration of such resolution and certificate, the conversion shall take effect.

(5.) Upon the conversion of a company into a registered society the registry of the company under the Companies Acts shall become void, and shall be cancelled by the Registrar of Joint Stock Companies; but the registration of a company as a registered society shall not affect any right or claim for the time being subsisting against the company, or any penalty for the time being incurred by such company, and, for the purpose of enforcing any such right, claim, or penalty, the company may be sued and proceeded against in the same manner as if it had not become registered as a society. And every such right or claim, and the liability to such penalty, shall have priority as against the property of such society over all other rights or claims against or liabilities of the society.

56. *Registration of special resolutions.* A copy of every special resolution for any of the purposes mentioned in this Act, signed by the chairman of the meeting at which the resolution was confirmed, and countersigned by the secretary of the society, shall be sent to the central office and registered there, and until that copy is so registered the special resolution shall not take effect.

57. *Saving for rights of creditors.* An amalgamation or transfer of engagements in pursuance of this Act shall not prejudice any right of a creditor of any registered society party thereto.

#### Dissolution of Societies.

58. *Provisions as to dissolution of societies.* A registered society may be dissolved—

(a.) By an order to wind up the society, or a resolution for the winding up thereof, made as is directed in regard to companies by the Companies Acts, 1862 to 1890, the provisions whereof shall apply to any such order or resolution, except that the term "registrar" shall for the purpose of such winding up have the meaning given to it by this Act; or

(b.) By the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

59. *Transfer of winding up from county court.* Any proceedings in the winding up of a registered society which at the passing of this Act are pending in any county court may, on application made by or on behalf of the registrar, with the consent of the Treasury, be transferred to the High Court, and thereupon the Companies (Winding-up) Act, 1890 [53 & 54 Vict. c. 63], shall, so far as applicable, apply thereto accordingly.

60. *Liability of members in winding up.* Where a registered society is wound up in pursuance of an order or resolution the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves, shall be qualified as follows:—

(a.) No individual, society, or company, who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up, shall be liable to contribute;



- (b.) No individual, society, or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member;
- (c.) No individual, society, or company, not a member, shall be liable to contribute, unless it appears to the court that the contributions of the existing members are insufficient to satisfy the just demands on the society;
- (d.) No contribution shall be required from any individual, society, or company exceeding the amount, if any, unpaid on shares in respect of which he or it is liable as a past or present member;
- (e.) An individual, society, or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

**61. Provisions as to instrument of dissolution.]** Where a society is terminated by an instrument of dissolution:—

- (a.) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of creditors (if any) and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the chief registrar;
- (b.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, and testified in the same manner;
- (c.) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour;
- (d.) The instrument of dissolution and all alterations therein shall be registered in the manner herein provided for the registry of rules, and shall be binding upon all the members of the society;
- (e.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the *Gazette* and in some newspaper circulating in or about the locality in which the registered office of the society is situated; and unless, within three months from the date of the *Gazette* in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the district where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.
- (f.) Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society.

**Offences, Penalties, and Legal Proceedings.**

**62. Offences by societies.]** It shall be an offence under this Act if any registered society—

- (1.) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to give, send, do, or allow to be done; or
- (2.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorized under this Act, or does any act or thing forbidden by this Act; or

- (3.) Makes a return or wilfully furnishes information in any respect false or insufficient; or
- (4.) Carries on the business of banking when it has any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is hereinbefore required, or makes any payment of withdrawable capital contrary to the provisions of this Act.

**63. Offences by societies to be also offences by officers, &c.]** Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the committee of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues.

**64. Punishment of fraud or misappropriation.]** If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorized by this Act, he shall, on the complaint of the society, or of any member authorized by the society, or the committee thereof, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a fine not exceeding twenty pounds with costs, and to be ordered to deliver up all such property or to repay all moneys applied improperly, and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing in this section shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under this Act.

**65. Penalty for falsification.]** If any person wilfully makes, orders, or allows to be made any entry or erasure in, or omission from, any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a fine not exceeding fifty pounds.

**66. Penalty for not using name of society.]** If any officer of a registered society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of the society, or signs or authorizes to be signed on behalf of the society any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or issues or authorizes to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof unless the same is duly paid by the society.

**67. Delivery of untrue rules.]** It shall be an offence under this Act if any person, with intent to mislead or defraud, gives to any other person a copy of any rules, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered.

**68. Penalties for ordinary offences.]** Every society, officer or member of a society, or other person, guilty of an offence under this Act for which no penalty is expressly provided herein, shall be liable to a fine not exceeding five pounds.

**69. Recovery of penalties.]** (1.) Every fine imposed or to be imposed by this Act, or by any regulations

under this Act, or by the rules of a registered society, shall be recoverable summarily.

(2.) Any such fine, if imposed by this Act or by any regulations thereunder, shall be recoverable at the suit of the chief registrar, or of any assistant registrar, or of any person aggrieved, and, if imposed by the rules of a registered society, shall be recoverable at the suit of the society.

**70. Appeals from summary decisions.]** (1.) In England or Ireland any party may appeal to quarter sessions from any order or conviction made by a court of summary jurisdiction under this Act.

(2.) In Scotland any person may appeal from any order or conviction under this Act in accordance with the provisions of the Summary Jurisdiction (Scotland) Act.

**Supplemental.**

**71. Remuneration of county court officers.]** The registrar and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, from time to time order and direct.

**72. Public auditors.]** The Treasury may appoint public auditors for the purposes of this Act, and may determine the rates of remuneration to be paid by registered societies for the services of such auditors, but the employment of such auditors shall not be compulsory.

**73. Fees.]** (1.) The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.

(2.) All fees received by any registrar under or by virtue of this Act shall be paid into the Exchequer.

**74. Regulations for carrying out Act.]** (1.) The Treasury may make regulations respecting registry and procedure under this Act, and the forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying out this Act into effect.

(2.) All such regulations shall be laid before both Houses of Parliament within ten days after the making thereof if Parliament is then sitting, or, if not then sitting, then within ten days from the then next assembling of Parliament.

(3.) Until otherwise provided by such regulations the forms contained in the Fourth Schedule to this Act shall be used.

**75. Evidence of documents.]** Every copy of rules or other instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

**76. Duties of the registrars.]** Sub-sections six, seven, eight, and nine of section ten of the Friendly Societies Act, 1875 [38 & 39 Vict. c. 60], relating to the duties of the chief registrar and assistant registrars, shall, so far as the same are applicable to industrial and provident societies, be incorporated with this Act.

**77. Application of Act to Channel Islands.]** With respect to the Channel Islands this Act shall be varied as follows:—

(1.) As respects the island of Jersey, the following provisions shall have effect:—

(a.) The term "county court" shall mean the court for the recovery of petty debts in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases the inferior number of the Royal Court of the said island, composed of the bailiff and two jurats of the said court;

(b.) The term "court of summary jurisdiction" shall have in civil cases the same meaning as the term "county court";

(c.) All misdemeanours under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with

respect to crimes and offences (*crimes et délits*):

- (d.) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the Royal Court, at the suit or instance of Her Majesty's Procurator-General for the said island;
- (e.) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver-General in the said island on behalf of the Crown;
- (f.) The powers conferred under this Act on two justices shall be exercised by the inferior number of the Royal Court of the said island;
- (g.) All proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island;
- (h.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act;
- (i.) The term "the Companies Acts" shall mean the law for the time being in force in the said island for the regulation and winding up of companies.
- (2.) As respects the bailiwick of the island of Guernsey:—
- (a.) The Court of Primary Instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England: Provided that a sentence may be appealed from if the case admits of an appeal, under the Orders in Council now in force within the bailiwick, but that the decision of the Royal Court when sitting in a body as a court of appeal shall be final;
- (b.) When any sum of money becomes payable on the death of a member, such money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey;
- (c.) All industrial and provident societies within the bailiwick shall be authorized to invest any part of their funds in the States bonds either of Guernsey or Alderney;
- (d.) The term "the Companies Acts" shall mean the law for the time being in force in the said bailiwick for the regulation and winding up of companies;
- (e.) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown, or of a constable of a parish;
- (f.) All penalties recovered under this Act shall be paid to the Receiver-General, to be by him carried to the account of the Crown revenue.

78. *Payment to representatives of deceased members in the Channel Islands.* In the Channel Islands, when any sum of money becomes payable on the death of a person entitled to make a nomination under this Act, such sum shall, in default of any nomination, be paid to the deceased member's legal representa-

tive, according to the law of the island in which such deceased member was domiciled.

79. *Definitions.* In this Act, if not inconsistent with the context, the following terms shall have the meanings herein-after respectively assigned to them:—

"The registrar" shall mean, for England, the central office established by the Friendly Societies Act, 1875, and, for Scotland or Ireland, the assistant registrar of friendly societies for either country respectively; "the central office" shall mean the central office so established; and "chief registrar" and "assistant registrar" shall mean chief registrar and assistant registrar of friendly societies respectively;

"Land" shall include hereditaments and chattels real, and in Scotland heritable subjects, of whatever description;

"Property" shall include all real and personal estate (including books and papers);

"Registered society" shall mean a society registered or deemed to be registered under this Act;

"Amendment of rule" shall include a new rule, and a resolution rescinding a rule;

"Rules" shall mean the registered rules for the time being, and shall include any registered amendment of rules;

"The committee" shall mean the committee of management or other directing body of a society;

"Persons claiming through a member" shall include the heirs, executors, or administrators, and assigns of a member, and also his nominees where nomination is allowed;

"Officer" shall extend to any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society;

"Meeting" shall include (where the rules of a society so allow) a meeting of delegates appointed by members;

"Office" shall mean the registered office for the time being of a society;

"County court" shall mean, for Scotland, the sheriff court of the county, and, for Scotland, "probate or letters of administration" shall mean confirmation in cases of testate succession, and testament dative in cases of intestate succession;

"Gazette" shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

80. *Repeal.* The enactments specified in the First Schedule hereto are hereby repealed to the extent appearing in the third column of that schedule.

#### SCHEDULES.

##### SCHEDULE I.

[Section 80.]

##### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 45	The Industrial and Provident Societies Act, 1876.	The whole Act.
43 Vict. c. 14	The Customs and Inland Revenue Act, 1880.	Section 8.
46 & 47 Vict. c. 47	The Provident Nominations and Small Intestacies Act, 1883.	So much as relates to industrial and provident societies.

##### SCHEDULE II.

[Section 10.]

##### MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT.

1. Object, name, and registered office of the society.

2. Terms of admission of the members, including any society or company investing funds in the society under the provisions of this Act.

3. Mode of holding meetings, scale and right of voting, and of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration.

5. Determination of the amount of interest, not exceeding two hundred pounds sterling, in the shares of the society which any member other than a registered society may hold.

6. Determination whether the society may contract loans or receive money on deposit subject to the provisions of this Act from members or others; and, if so, under what conditions, on what security, and to what limits of amount.

7. Determination whether the shares or any of them shall be transferable; and provision for the form of transfer and registration of the shares, and for the consent of the committee thereto; determination whether the shares or any of them shall be withdrawable, and provision for the mode of withdrawal and for payment of the balance due thereon on withdrawing from the society.

8. Provision for the audit of accounts and for the appointment of auditors or a public auditor.

9. Determination whether and how members may withdraw from the society, and provision for the claims of the representatives of deceased members, or the trustees of the property of bankrupt members, and for the payment of nominees.

10. Mode of application of profits.

11. Provisions for the custody and use of the seal of the society.

12. Determination whether, and by what authority, and in what manner, any part of the capital may be invested.

#### SCHEDULE III.

[Sections 19, 43, 44, 47.]

##### FORM OF STATEMENT TO BE MADE OUT BY A SOCIETY CARRYING ON THE BUSINESS OF BANKING.

1. Capital of the society:—
- Nominal amount of each share;
  - Number of shares issued;
  - Amount paid up on shares.
2. Liabilities of the society on the first day of January (or July) last previous:—
- On judgments;
  - On specialty;
  - On notes or bills;
  - On simple contract;
  - On estimated liabilities.
3. Assets of the society on the same date:—
- Government or other securities (stating them);
  - Bills of exchange and promissory notes;
  - Cash at the bankers;
  - Other securities.

#### FORMS OF BOND.

(1.) *In England or Ireland.*

(a.) Know all men by these presents, that we, A.B., of \_\_\_\_\_ one of the officers of the \_\_\_\_\_, Limited, herein-after referred to as "the Society," whose registered office is at \_\_\_\_\_ in the county of \_\_\_\_\_, and C.D., of \_\_\_\_\_ (as surety on behalf of the said A.B.), are jointly and severally held and firmly bound to the said society in the sum of \_\_\_\_\_ to be paid to the said society, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_.

Whereas the above-bounden A.B. has been duly appointed to the office of \_\_\_\_\_ of the \_\_\_\_\_ Society, and he, together with the above-bounden C.D. as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said A.B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining



in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or the committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of  
(b.) Know all men by these presents that I of , in the county of , am firmly bound to , Limited, herein-after referred to as "the Society," whose registered office is at , in the county of , in the sum of pounds sterling to be paid to the said society or their assigns, for which payment to be truly made to the said society or their certain attorney or assigns I bind myself, my heirs, executors, and administrators, by these presents sealed with my seal.  
[And know further that I [we] as surety [sureties] for the above-named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or their assigns, for which payment to be truly made to the society or their certain attorney or assigns we firmly bind ourselves and each of us our and each of our heirs, executors, and administrators by these presents sealed with our seals.]  
Dated the day of 18 .

The condition of the above-contained bond is that if the said faithfully execute the office of to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character [without wasting, embezzling, losing, mispending, misapplying, or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the said society at any time committed to his charge, custody, or keeping by reason or means of his said office], and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer, and deliver up all securities, books, papers, property, and effects whatsoever of or belonging to the society in his charge, custody, or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully perform and fulfil the said office of to the society according to the rules thereof, then the above-contained bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named  
[The words between brackets against which we have set our initials being first struck out\*] in the presence of us  
and

(2.) In Scotland.

I, A.B., of , hereby bind and oblige myself to the extent of £ at most, as cautioner and surety for C.D., a person employed by the society, that he, the said C.D., shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody, and that to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society.

Dated at this day of  
E.F. of witness.  
G.H. of witness.

The above bond shall not require a testing clause or subscription clause.

\* If no words are struck out in the bond or condition, strike out these words and let the witnesses set their initials in the margin.

FORMS OF RECEIPT TO BE INDORSED ON MORTGAGE OR FURTHER CHARGE.

(1.) In England or Ireland.

A.—The , Limited, hereby acknowledges to have received all moneys intended to be secured by the within (or above) written deed. Dated this day of

Members  
of the  
Committee.  
Secretary.

(2.) In Scotland.

B.—In the case of a heritable security other than by way of an *ex facie* or other absolute conveyance:—

The , Limited, acknowledges to have received all moneys intended to be secured by the bond and disposition in security, dated the in the register of Sasines for for the sum of £ granted by A. [insert name and designation] in favour of the said society.  
Dated at this day of one thousand eight hundred and ninety

Members  
of the  
Committee.  
Secretary.

To be recorded with warrant of registration on behalf of [the person or persons entitled].

C.—In the case of a heritable security in the form of an *ex facie* or other absolute conveyance or disposition:—

The , Limited, hereby acknowledges that the disposition (or other conveyance), dated the , and recorded the in the register of Sasines for granted by A. [insert designation] (or by B. [insert designation] with consent of A.) in favour of the above-named society, was intended only as a security for a loan of £ granted to A. by the said society, and for the interest, penalties, and others accruing thereto; and that all moneys intended to be thereby secured have been fully paid.  
(To be completed and recorded as in Form B.)

D.—In the case of a security or assurance other than a heritable security:—

The , Limited, hereby acknowledges to have received all moneys intended to be secured by the within (or above) written deed.  
(To be completed as in Form B.)  
(Receipts in the Forms B, C, or D. shall not require a testing or subscription clause.)

SCHEDULE IV.

[Section 74.]

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The , Limited, is registered under the Industrial and Provident Societies Act, 189 , this day of

[Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the , Limited, is registered under the Industrial and Provident Societies Act, 189 , this day of

[Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.]

CHAPTER 40.

[Public Works Loans (No. 2) Act, 1893.]

An Act to make provision for certain purposes relating to Local Loans.

[12th September 1893.]

CHAPTER 41.

[Irish Education Act, 1893.]

An Act to amend the Irish Education Act, 1892.

[12th September 1893.]

CHAPTER 42.

[Elementary Education (Blind and Deaf Children) Act, 1893.]

An Act to make better Provision for the Elementary Education of Blind and Deaf Children in England and Wales.

[12th September 1893.]

Be it enacted, &c.:

1. Obligation of parents as to blind and deaf children.]

(1.) The efficient elementary instruction which under the Elementary Education Act, 1876, a parent must cause his child to receive, shall, in the case of a blind or deaf child, be construed as including instruction suitable to such a child, and the fact of a child being blind or deaf shall not of itself, except in the case of a deaf child under seven years of age, be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

(2.) In the case of a blind or deaf child, the fact that there is not within any particular distance from the residence of the child any public elementary school which the child can attend shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

2. Duty of school authority with respect to blind and deaf children.] (1.) It shall be the duty of every school authority, as defined by this Act, to enable blind and deaf children resident in their district, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some school for the time being certified by the Education Department as suitable for providing such education, and for that purpose either to establish or acquire and to maintain a school so certified, or to contribute, on such terms and to such extent as may be approved by the Education Department, towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Education Department, for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education.

(2.) Provided that the duty of a school authority under this section shall not extend to children who are—

- (a) idiots or imbeciles; or
- (b) resident in a workhouse or in any institution to which they have been sent by a board of guardians from a workhouse; or
- (c) boarded out by guardians.

(3.) Where a school authority contributes under this section to the establishment, enlargement, or alteration of a certified school maintained by another authority, the terms approved by the Education Department shall include security for repayment of the value of the contribution, in the event of the school ceasing to be certified.

3. Power to make provision for representation.] The terms of contribution approved by the Education Department may include provision for representation of the contributing school authority on the governing body of the school to which it contributes, in cases where such representation appears to the Education Department to be practicable and expedient.

4. Constitution of school authority.] The school authority for the purposes of this Act shall be—

- (a) for an area under a school board, the school board;
- (b) for an area not under a school board, any district council established for the local government of the district comprising that area under an Act of the present or any future session of Parliament, acting through a committee of that council appointed for educational purposes, and until such a council is established, the board of guardians, or borough council or urban sanitary authority, appointing a school attendance committee for the area, acting through that committee.

5. Powers and expenses of school authority.] (1.) For the performance of their duties under this Act

a school authority may, without prejudice to any other powers, exercise the like powers as may be exercised by a school board for the provision of school accommodation for their district, and the consent of the Education Department to the exercise of the power of borrowing for the purposes of this Act may be given in any case in which the exercise of that power appears to the Department expedient.

(2.) The expenses of a school authority under this Act shall be paid out of the fund applicable to their general expenses, or where the school authority are a board of guardians, out of a fund to be raised out of the poor rate of the parishes for which the school attendance committee of the board act, according to the rateable value of each parish.

(3.) Two or more school authorities may combine for the performance of their duties under this Act, and, subject to the provisions of this section as to expenses, section fifty-two of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], shall apply in the case of any such combination as if each school authority were a school board, and the enactments relating to the audit of school board accounts shall apply as if any joint body of managers appointed in pursuance of this sub-section were a school board.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required for the purposes of this Act by a school authority on the security of the fund applicable to the expenses of this Act, and every such loan shall be repaid within a period not exceeding fifty years, and shall bear such rate of interest, not less than three and a half per cent. per annum, as the Treasury may authorize as being in their opinion sufficient to enable the loan to be made without loss to the Exchequer.

6. *Provision in case of failure of duty by school authority.* [If the Education Department are satisfied, after such inquiry and such notice to a school authority or to a committee of the authority as they think expedient, that the school authority or a committee of the authority have failed to perform their duty under this Act, the Education Department may either—

- (1) proceed in manner directed by section twenty-seven of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79]; or
- (2) order that the school authority pay to any certified school specified in the order, towards the expenses of any particular child at the school, such annual or other sum as may be fixed by order of the Department, and any sum so ordered to be paid shall be a debt to the school from the school authority.

7. *Conditions and effect of grant of certificate to school for blind or deaf children.* (1.) A school shall not be certified by the Education Department as suitable for providing elementary education for blind or deaf children—

- (a) if it is conducted for private profit; nor
- (b) unless it is either managed by a school authority, or the annual expenses of its maintenance are, to the extent of not less than one third, defrayed out of sources other than local rates, or moneys provided by Parliament, and are audited and published in accordance with regulations of the Education Department; nor
- (c) unless it is open at all times to the inspection of Her Majesty's Inspectors of Schools and of any visitors authorized by any school authority sending children to the school; nor
- (d) unless the requirements of this Act are complied with in the case of the school.

(2.) Every school so certified (in this Act referred to as a certified school) shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876, and for the purposes of section eleven of that Act may, in the case of a blind or deaf child, be treated as if it were a public elementary school.

(3.) A certificate granted in pursuance of this section shall be annual.

(4.) For the purposes of this section there shall be included in local rates any sum received under

this Act by a school authority from a parent and applied towards the general expenses of the school authority.

8. *Provisions as to religious instruction.* (1.) If and so far as the school which a child is required in pursuance of this Act to attend is not a public elementary school, it must, in all matters relating to the religious instruction and observances of the child, be conducted in accordance with the rules applying to industrial schools, except that references in the Industrial Schools Act, 1866 [29 & 30 Vict. c. 118], and the rules made under it, to the Secretary of State shall be construed as references to the Education Department; and any school authority may provide and maintain for the purposes of this Act a school so conducted.

(2.) Every rule made under this section shall be forthwith laid before both Houses of Parliament.

(3.) In selecting a school under this Act the school authority shall be guided by the rules laid down in the Industrial Schools Act, 1866, and if a child is boarded out in pursuance of this Act, the school authority shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent.

(4.) Where a child is required in pursuance of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent, and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

9. *Liability of parent for expenses of blind or deaf child.* (1.) Where a school authority incur any expense under this Act in respect of any blind or deaf child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the provisions of the Elementary Education Act, 1891 [54 & 55 Vict. c. 56], may be agreed on between the school authority and the parent, or, if the parties fail to agree, as may, on the application of either party, be settled by a court of summary jurisdiction, and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the school authority summarily as a civil debt.

(2.) It shall be the duty of the school authority to enforce any order made under this section, and any sum received by a school authority under this section may be applied by the school authority in aid of their general expenses.

(3.) A court competent to make an order under this section may at any time revoke or vary any order so made.

10. *Saving for rights of parent.* (1.) The parent of a blind or deaf child shall not, by reason of any payment made under this Act in respect of the child, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2.) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

11. *Period of education for blind and deaf.* [For the purposes of the Elementary Education Acts, 1870 to 1891, a blind or deaf boy or girl shall be deemed to be a child until the age of sixteen years; and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if it were required by byelaws made under the Elementary Education Acts, 1870 to 1891; and any such child shall not, in pursuance of any such byelaws, be entitled to total or partial exemption from the obligation to attend school.]

12. *Grants from public money towards education of blind and deaf children.* [Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the parliamentary grant to a certified school in respect of education given to blind or deaf children to such amount and on such conditions as may be directed by or in pur-

suance of the minutes of the Education Department in force for the time being.

13. *Repeal of powers of guardians to send blind or deaf children to school.* (1.) As from the first day of July one thousand eight hundred and ninety-four so much of any enactment in force at that date as empowers boards of guardians to send blind or deaf children to school shall be repealed, except as to children who are—

- (a.) idiots or imbeciles; or
- (b.) resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse; or
- (c.) boarded out by guardians.

(2.) Provided that, where any blind or deaf child with respect to whom the powers of guardians cease in pursuance of this section is on the first day of July one thousand eight hundred and ninety-four relieved in any institution by a board of guardians, the child shall continue chargeable as if this Act had not passed, until the expiration of six months' notice to be given by the guardians, if they think fit, to the school authority of the district from which the child was sent.

14. *Report to be laid before Parliament.* [The Education Department shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of the schools to which they have granted and refused certificates under this Act during the year, with their reasons for each such refusal.]

15. *Interpretation of terms.* (1.) In this Act—The expression "blind" means too blind to be able to read the ordinary school books used by children;

The expression "deaf" means too deaf to be taught in a class of hearing children in an elementary school;

The expression "school" includes any institution in which blind or deaf children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified school;

The expression "elementary education" may include industrial training whether given in the school which the child attends or not;

The expression "maintenance" includes clothing;

The expression "expenses," when used in relation to a child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding-out of the child while so attending, and the expenses of conveying the child to or from the school;

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education Acts, 1870 to 1891.

(2.) For the purposes of this Act a child resident in a school or boarded out in pursuance of this Act shall be deemed to be resident in the district from which the child is sent.

16. *Extent of Act.* [This Act shall not extend to Scotland or Ireland.]

17. *Commencement of Act.* [This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.]

18. *Short title.* [This Act may be cited as the Elementary Education (Blind and Deaf Children) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.]

## CHAPTER 43.

[Contagious Diseases (Animals) Act, 1893.]

An Act to confer further powers under the Contagious Diseases (Animals) Acts, 1878 to 1892, with respect to Swine Fever.

[12th September 1893.]

Be it enacted, &c.:

1. *Application to swine fever of certain provisions relating to pleuro-pneumonia.* (1.) Any money applicable under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, in cases of pleuro-pneumonia, shall be applicable in cases of swine fever, and any powers exercisable under that Act with respect to pleuro-pneumonia and cattle may



be exercised with respect to swine-fever and swine, and those powers shall include power to take such measures under the Contagious Diseases (Animals) Act, 1878 to 1892 [53 & 54 Vict. c. 14], as may seem to the Board of Agriculture, or to the Lord Lieutenant and Privy Council in Ireland, necessary for preventing the spread of swine-fever.

(2.) Provided that the compensation to be paid for any animal slaughtered under the powers conferred by this section shall be the value of the animal immediately before it was slaughtered, or, if the animal was affected with disease, one half of the value of the animal immediately before it became so affected.

(3.) Provided also that, after the expiration of the present financial year, of the money provided by Parliament for the cattle pleuro-pneumonia accounts under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, not more than fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year, and if in any future financial year the money standing to either of the cattle pleuro-pneumonia accounts, including the proceeds of the sale of carcasses, is insufficient to defray the costs chargeable on such account the residue shall be defrayed in manner directed by subsection four of section two of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, with respect to Great Britain, or with respect to Ireland out of the general account of the General Cattle Diseases Fund.

(4.) The definition of the expression "disease" in section five of the Contagious Diseases (Animals) Act, 1878 [41 & 42 Vict. c. 74], shall include swine-fever, that is to say, the disease known as typhoid fever of swine, soldier, purple, red disease, hog cholera, or swine plague.

(5.) Any sum standing at the commencement of this Act to the credit of the Board of Agriculture, and being the balance of sums granted in aid of the expenditure incurred by that Board in dealing with foot-and-mouth disease, shall be carried to the Cattle Pleuro-Pneumonia Account for Great Britain, and shall be applicable accordingly to any purposes to which money standing to that account is applicable.

2. *Commencement of Act.* This Act shall come into operation on the first day of November one thousand eight hundred and ninety-three.

3. *Short title and construction.* This Act may be cited as the Contagious Diseases (Animals) Act, 1893, and shall be read with the Contagious Diseases (Animals) Acts, 1878 to 1892, and references in any Act to the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, shall be construed as references to that Act as amended by the Contagious Diseases (Animals) Act, 1892 [55 & 56 Vict. c. 47], and this Act.

#### CHAPTER 44.

[*Sheriff Courts Consignations (Scotland) Act, 1893.*]

An Act to make provision in regard to the Consignation of Money in the Sheriff Courts in Scotland. [12th September 1893.]

#### CHAPTER 45.

[*Naval Defence Act, 1893.*]

An Act to make further provision for the completion and equipment of Ships under the Naval Defence Act, 1889, and to amend that Act. [12th September 1893.]

#### CHAPTER 46.

[*Consolidated Fund (No. 4) Act, 1893.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-four. [12th September 1893.]

#### CHAPTER 47.

[*Public Health (London) Act, 1891, Amendment Act, 1893.*]

An Act to amend the Public Health (London)

Act, 1891, with respect to the Removal of Refuse. [12th September 1893.]

Whereas under the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], the vestries and district boards of the metropolis were empowered to deal with the removal of street and other refuse, and provisions were contained in that Act as to the borrowing of money to defray the expenses incurred therein:

And whereas by the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76], further powers were conferred with respect to the removal of street and house refuse, but the effect of the said Act has been to repeal the power of vestries and district boards of borrowing money for some of those purposes, and it is expedient that the said Act should be amended:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Public Health (London) Act, 1891, Amendment Act, 1893.

2. *Act to be read with principal Act.* This Act shall be read with and form part of the Public Health (London) Act, 1891, which is in this Act referred to as the "principal Act."

3. *As to expenses in connection with provision of wharves, destructors, &c.* Notwithstanding anything in the principal Act, expenses incurred or to be incurred by a vestry or district board as sanitary authority for and in connection with the provision of land, wharves, destructors, plant, and equipment for the purposes of collection, removal, and disposal of house and street refuse, shall be and be deemed to have been expenses for the purposes of which a vestry or district board may borrow money as expenses incurred by them in the execution of the Metropolis Management Act, 1855. And sections one hundred and eighty-three to one hundred and ninety-one (both included) of that Act shall apply and have effect accordingly.

#### CHAPTER 48.

[*Reformatory Schools Act, 1893.*]

An Act to amend the Law relating to Reformatory Schools. [22nd September 1893.]

Be it enacted, &c.:

1. *Commitment of offenders between twelve and sixteen years of age to reformatory schools.* Where a youthful offender, who in the opinion of the court before whom he is charged is less than sixteen years of age, is convicted, whether on indictment or by a court of summary jurisdiction, of an offence punishable with penal servitude or imprisonment, and either—

(a) appears to the court to be not less than twelve years of age; or

(b) is proved to have been previously convicted of an offence punishable with penal servitude or imprisonment,

the court may, in addition to or in lieu of sentencing him according to law to any punishment, order that he be sent to a certified reformatory school, and be there detained for a period of not less than three and not more than five years, so, however, that the period is such as will in the opinion of the court expire at or before the time at which the offender will attain the age of nineteen years.

2. *Power to remand youthful offender.* Without prejudice to any other powers of the court, the court may direct that the offender be taken to a prison, or to any other place, not being a prison, which the court thinks fit, and the occupier of which is willing to receive him, and be detained therein for any time not exceeding seven days, or in case of necessity for a period not exceeding fourteen days, or until an order is sooner made for his discharge or for his being sent to a reformatory school, or otherwise dealt with under this or any other Act; and the person to whom the order is addressed is hereby empowered and required to detain him accordingly, and if the offender escapes he may be apprehended without warrant and brought back to the place of detention.

3. *Application to Scotland.* In the application of this Act to Scotland the expression "court of

summary jurisdiction" shall mean the sheriff or any two justices of the peace, or any magistrate or magistrates who have jurisdiction under the Summary Jurisdiction (Scotland) Acts, sitting in open court.

4. *Repeal and construction.* Section fourteen of the Reformatory Schools Act, 1866 [29 & 30 Vict. c. 117], from the beginning of the section to the words "justiciary or sheriff," and the whole of the Reformatory Schools (Scotland) Act, 1893 [56 & 57 Vict. c. 15], are hereby repealed, and the said section shall be construed and have effect as if section one of this Act were substituted for the provisions of the said section hereby repealed.

5. *Short title.* This Act may be cited as the Reformatory Schools Act, 1893.

#### CHAPTER 49.

[*County Surveyors (Ireland) Act, 1893.*]

An Act to amend the Law relating to the Appointment of County Surveyors in Ireland. [22nd September 1893.]

#### CHAPTER 50.

[*Light Railways (Ireland) Act, 1893.*]

An Act to amend the Provisions as to Payments for Light Railways in Ireland. [22nd September 1893.]

#### CHAPTER 51.

[*Elementary Education (School Attendance) Act, 1893.*]

An Act to amend the Elementary Education Acts with respect to the age for attendance at School. [22nd September 1893.]

Be it enacted, &c.:

1. *Age for exemption from school attendance.* The age at which a child may, in pursuance of any byelaw made under the Elementary Education Acts, 1870 to 1891, obtain total or partial exemption from the obligation to attend school, on obtaining a certificate as to the standard of examination which he has reached shall be raised to eleven, and every such byelaw, so far as it provides for such exemption, shall be construed and have effect as if a reference to eleven years of age were substituted therein for a reference to a lower age, and in section seventy-four of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], eleven shall be substituted for ten.

2. *Penalty for employment of children before exemption from school attendance.* If any person takes a child into his employment in such manner as to prevent the child from attending school in accordance with the byelaws for the time being in force in the district in which the child resides, he shall be deemed to take the child into his employment in contravention of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], and shall be liable to a penalty accordingly.

3. *Saving.* Nothing in this Act shall apply in the case of any child who at the passing of this Act is under the byelaws then in force in the district in which he resides exempt wholly or partially, as the case may be, from the obligation to attend school.

4. *Commencement of Act.* This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

5. *Short title.* This Act may be cited as the Elementary Education (School Attendance) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

#### CHAPTER 52.

[*Burghs Gas Supply (Scotland) Act, 1893.*]

An Act to amend the Burghs Gas Supply (Scotland) Act, 1876. [22nd September 1893.]

## CHAPTER 53.

[Trustee Act, 1893.]

An Act to consolidate Enactments relating to Trustees. [22nd September 1893.]

Be it enacted, &amp;c.:

## PART I.

## INVESTMENTS.

1. *Authorized investments.* A trustee may, unless expressly forbidden by the instrument (if any) creating the trust, invest any trust funds in his hands, whether at the time in a state of investment or not, in manner following, that is to say:

- (a.) In any of the parliamentary stocks or public funds or Government securities of the United Kingdom:
- (b.) On real or heritable securities in Great Britain or Ireland:
- (c.) In the stock of the Bank of England or the Bank of Ireland:
- (d.) In India Three and a half per cent. stock and India three per cent. stock, or in any other capital stock which may at any time hereafter be issued by the Secretary of State in Council of India under the authority of Act of Parliament, and charged on the revenues of India:
- (e.) In any securities the interest of which is for the time being guaranteed by Parliament:
- (f.) In consolidated stock created by the Metropolitan Board of Works, or by the London County Council, or in debenture stock created by the Receiver for the Metropolitan Police District:
- (g.) In the debenture or rentcharge, or guaranteed or preference stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock:
- (h.) In the stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than two hundred years at a fixed rental to any such railway company as is mentioned in sub-section (g.), either alone or jointly with any other railway company.
- (i.) In the debenture stock of any railway company in India the interest on which is paid or guaranteed by the Secretary of State in Council of India.
- (j.) In the "B" annuities of the Eastern Bengal, the East Indian, and the Scinde Punjab and Delhi Railways, and any like annuities which may at any time hereafter be created on the purchase of any other railway by the Secretary of State in Council of India, and charged on the revenues of India, and which may be authorized by Act of Parliament to be accepted by trustees in lieu of any stock held by them in the purchased railway; also in deferred annuities comprised in the register of holders of annuity Class D. and annuities comprised in the register of annuitants Class C. of the East Indian Railway Company.
- (k.) In the stock of any railway company in India upon which a fixed or minimum dividend in sterling is paid or guaranteed by the Secretary of State in Council of India, or upon the capital of which the interest is so guaranteed.
- (l.) In the debenture or guaranteed or preference stock of any company in Great Britain or Ireland, established for the supply of water for profit, and incorporated by special Act of Parliament or by Royal Charter, and having during each of the ten years last past before the date of investment paid a dividend of not less than five pounds per centum on its ordinary stock.
- (m.) In nominal or inscribed stock issued, or to be issued, by the corporation of any municipal borough having, according to the returns of the last census prior to the date of investment, a population exceeding fifty

thousand, or by any county council, under the authority of any Act of Parliament or Provisional Order.

- (n.) In nominal or inscribed stock issued or to be issued by any commissioners incorporated by Act of Parliament for the purpose of supplying water, and having a compulsory power of levying rates over an area having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, provided that during each of the ten years last past before the date of investment the rates levied by such commissioners shall not have exceeded eighty per centum of the amount authorized by law to be levied.
- (o.) In any of the stocks, funds, or securities for the time being authorized for the investment of cash under the control or subject to the order of the High Court, and may also from time to time vary any such investment.

2. *Purchase at a premium of redeemable stocks.* (1.) A trustee may under the powers of this Act invest in any of the securities mentioned or referred to in section one of this Act, notwithstanding that the same may be redeemable, and that the price exceeds the redemption value.

(2.) Provided that a trustee may not under the powers of this Act purchase at a price exceeding its redemption value any stock mentioned or referred to in sub-sections (g.), (i.), (k.), (l.), and (m.) of section one, which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or purchase any such stock as is mentioned or referred to in the sub-sections aforesaid, which is liable to be redeemed at par or at some other fixed rate, at a price exceeding fifteen per centum above par or such other fixed rate.

(3.) A trustee may retain until redemption any redeemable stock, fund, or security which may have been purchased in accordance with the powers of this Act.

3. *Discretion of trustees.* Every power conferred by the preceding sections shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument, if any, creating the trust with respect to the investment of the trust funds.

4. *Application of preceding sections.* The preceding sections shall apply as well as to trusts created before as to trusts created after the passing of this Act, and the powers thereby conferred shall be in addition to the powers conferred by the instrument, if any, creating the trust.

5. *Enlargement of express powers of investment.* (1.) A trustee having power to invest in real securities, unless expressly forbidden by the instrument creating the trust, may invest and shall be deemed to have always had power to invest—

- (a.) on mortgage of property held for an unexpired term of not less than two hundred years, and not subject to a reservation of rent greater than a shilling a year, or to any right of redemption or to any condition for re-entry, except for non-payment of rent; and
- (b.) on any charge, or upon mortgage of any charge, made under the Improvement of Land Act, 1864 [27 & 28 Vict. c. 114].

(2.) A trustee having power to invest in the mortgages or bonds of any railway company or of any other description of company may, unless the contrary is expressed in the instrument authorizing the investment, invest in the debenture stock of a railway company or such other company as aforesaid.

(3.) A trustee having power to invest money in debentures or debenture stock of any railway or other company may, unless the contrary is expressed in the instrument authorizing the investment, invest in any nominal debentures or nominal debenture stock issued under the Local Loans Act, 1875 [38 & 39 Vict. c. 83].

(4.) A trustee having power to invest money in securities in the Isle of Man, or in securities of the government of a colony, may, unless the contrary is expressed in the instrument authorizing the investment, invest in any securities of the Govern-

ment of the Isle of Man, under the Isle of Man Loans Act, 1880 [43 & 44 Vict. c. 8].

(5.) A trustee having a general power to invest trust moneys in or upon the security of shares, stock, mortgages, bonds, or debentures of companies incorporated by or acting under the authority of an Act of Parliament, may invest in, or upon the security of, mortgage debentures duly issued under and in accordance with the provisions of the Mortgage Debenture Act, 1865 [28 & 29 Vict. c. 78].

6. *Power to invest, notwithstanding drainage charges.* A trustee having power to invest in the purchase of land or on mortgage of land may invest in the purchase, or on mortgage of any land, notwithstanding the same is charged with a rent under the powers of the Public Money Drainage Acts, 1846 to 1856, or the Landed Property Improvement (Ireland) Act, 1847 [10 & 11 Vict. c. 32], or by an absolute order made under the Improvement of Land Act, 1864, unless the terms of the trust expressly provide that the land to be purchased or taken in mortgage shall not be subject to any such prior charge.

7. *Trustees not to convert inscribed stock into certificates to bearer.* (1.) A trustee, unless authorized by the terms of his trust, shall not apply for or hold any certificate to bearer issued under the authority of any of the following Acts, that is to say:

- (a.) The India Stock Certificate Act, 1863 [26 & 27 Vict. c. 73];
- (b.) The National Debt Act, 1870 [33 & 34 Vict. c. 71];
- (c.) The Local Loans Act, 1875 [38 & 39 Vict. c. 83];
- (d.) The Colonial Stock Act, 1877 [40 & 41 Vict. c. 59].

(2.) Nothing in this section shall impose on the Bank of England or of Ireland, or on any person authorized to issue any such certificates, any obligation to inquire whether a person applying for such certificate is or is not a trustee, or subject them to any liability in the event of their granting any such certificate to a trustee, nor invalidate any such certificate if granted.

8. *Loans and investments by trustees not chargeable as breaches of trust.* (1.) A trustee lending money on the security of any property on which he can lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, provided that it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom he reasonably believed to be an able practical surveyor or valuer instructed and employed independently of any owner of the property, whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two equal third parts of the value of the property as stated in the report, and that the loan was made under the advice of the surveyor or valuer expressed in the report.

(2.) A trustee lending money on the security of any leasehold property shall not be chargeable with breach of trust only upon the ground that in making such loan he dispensed either wholly or partly with the production or investigation of the lessor's title.

(3.) A trustee shall not be chargeable with breach of trust only upon the ground that in effecting the purchase of or in lending money upon the security of any property he has accepted a shorter title than the title which a purchaser is, in the absence of a special contract, entitled to require, if in the opinion of the court the title accepted be such as a person acting with prudence and caution would have accepted.

(4.) This section applies to transfers of existing securities as well as to new securities, and to investments made as well before as after the commencement of this Act, except where an action or other proceeding was pending with reference thereto on the twenty-fourth day of December one thousand eight hundred and eighty-eight.

9. *Liability or loss by reason of improper investments.* Where a trustee improperly advances trust money on a mortgage security which would at the time of



the investment be a proper investment in all respects for a smaller sum than is actually advanced thereon the security shall be deemed an authorised investment for the smaller sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

(2.) This section applies to investments made as well before as after the commencement of this Act except where an action or other proceeding was pending with reference thereto on the twenty-fourth day of December one thousand eight hundred and eighty-eight.

## PART II.

### VARIOUS POWERS AND DUTIES OF TRUSTEES.

#### Appointment of New Trustees.

10. *Power of appointing new trustees.* (1.) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of the United Kingdom for more than twelve months, or desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for the purpose of appointing new trustees by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the United Kingdom, desiring to be discharged, refusing, or being unfit or being incapable, as aforesaid.

(2.) On the appointment of new trustee for the whole or any part of trust property—

- (a) the number of trustees may be increased; and
- (b) a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, notwithstanding that no new trustee or trustee are or is to be appointed for other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first-mentioned part; and
- (c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust; and
- (d) any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees, shall be executed or done.

(3.) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act, as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(4.) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(5.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(6.) This section applies to trusts created either before or after the commencement of this Act.

11. *Retirement of trustee.* (1.) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged

from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act, without any new trustee being appointed in his place.

(2.) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4.) This section applies to trusts created either before or after the commencement of this Act.

12. *Vesting of trust property in new or continuing trustees.* (1.) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of the deed become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right.

(2.) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3.) This section does not extend to any legal estate or interest in copyhold or customary land, or to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner directed by or under Act of Parliament.

(4.) For purposes of registration of the deed in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5.) This section applies only to deeds executed after the thirty-first of December one thousand eight hundred and eighty-one.

#### Purchase and Sale.

13. *Power of trustee for sale to sell by auction, &c.* (1.) Where a trust for sale or a power of sale of property is vested in a trustee, he may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title or evidence of title or other matter as the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to re-sell, without being answerable for any loss.

(2.) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3.) This section applies only to a trust or power created by an instrument coming into operation after the thirty-first of December one thousand eight hundred and eighty-one.

14. *Power to sell subject to depreciatory conditions.* (1.) No sale made by a trustee shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory, unless it also appears that the consideration for the sale was thereby rendered inadequate.

(2.) No sale made by a trustee shall, after the execution of the conveyance, be impeached as

against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory, unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for sale was made.

(3.) No purchaser, upon any sale made by a trustee, shall be at liberty to make any objection against the title upon the ground aforesaid.

(4.) This section applies only to sales made after the twenty-fourth day of December one thousand eight hundred and eighty-eight.

15. *Power to sell under 37 & 38 Vict. c. 78.]* A trustee who is either a vendor or a purchaser may sell or buy without excluding the application of section two of the Vendor and Purchaser Act, 1874.

16. *Married woman as bare trustee may convey.]* When any freehold or copyhold hereditament is vested in a married woman as a bare trustee, she may convey or surrender it as if she were a feme sole.

#### Various Powers and Liabilities.

17. *Power to authorize receipt of money by banker or solicitor.]* (1.) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money or valuable consideration or property receivable by the trustee under the trust, by permitting the solicitor to have the custody of, and to produce, a deed containing any such receipt as is referred to in section fifty-six of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41]; and a trustee shall not be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment; and the producing of any such deed by the solicitor shall have the same validity and effect under the said section as if the person appointing the solicitor had not been a trustee.

(2.) A trustee may appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to the trustee under or by virtue of a policy of assurance, by permitting the banker or solicitor to have the custody of and to produce the policy of assurance, with a receipt signed by the trustee, and a trustee shall not be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment.

(3.) Nothing in this section shall exempt a trustee from any liability which he would have incurred if this Act had not been passed, in case he permits any such money, valuable consideration, or property to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable the banker or solicitor (as the case may be) to pay or transfer the same to the trustee.

(4.) This section applies only where the money or valuable consideration or property is received after the twenty-fourth day of December one thousand eight hundred and eighty-eight.

(5.) Nothing in this section shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit anything which he is in express terms directed to do, by the instrument creating the trust.

18. *Power to insure building.]* (1.) A trustee may insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property, and pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income.

(2.) This section does not apply to any building or property which a trustee is bound forthwith to convey absolutely to any beneficiary upon being requested to do so.

(3.) This section applies to trusts created either before or after the commencement of this Act, but nothing in this section shall authorize any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust.

19. *Power of trustees of renewable leaseholds to renew and raise money for the purpose.]* (1.) A trustee of any leaseholds for lives or years which are

renewable from time to time, either under any covenant or contract, or by custom or usual practice, may, if he thinks fit, and shall, if thereto required by any person having any beneficial interest, present or future, or contingent, in the leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose may from time to time make or concur in making a surrender of the lease for the time being subsisting, and do all such other acts as are requisite: Provided that, where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew or to contribute to the expense of renewal, this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee.

(2.) If money is required to pay for the renewal, the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the lands to be comprised in the renewed lease, and if he has not in his hands sufficient money for the purpose, he may raise the money required by mortgage of the hereditaments to be comprised in the renewed lease, or of any other hereditaments for the time being subject to the uses or trusts to which those hereditaments are subject, and no person advancing money upon a mortgage purporting to be under this power shall be bound to see that the money is wanted, or that no more is raised than is wanted for the purpose.

(3.) This section applies to trusts created either before or after the commencement of this Act, but nothing in the section shall authorize any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust.

20. *Power of trustee to give receipts.* (1.) The receipt in writing of any trustee for any money, securities, or other personal property or effects payable, transferable, or deliverable to him under any trust or power shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

(2.) This section applies to trusts created either before or after the commencement of this Act.

21. *Power for executors and trustees in compound, &c.* (1.) An executor or administrator may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2.) An executor or administrator, or two or more trustees, acting together, or a sole acting trustee where by the instrument, if any, creating the trust a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they may think fit, accept any composition or any security, real or personal, for any debt or for any property, real or personal, claimed, and may allow any time for payment for any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument, and to the provisions therein contained.

(4.) This section applies to executorships, administratorships and trusts constituted or created either before or after the commencement of this Act.

22. *Powers of two or more trustees.* (1.) Where a power or trust is given to or vested in two or more trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being.

(2.) This section applies only to trusts consti-

tuted after or created by instruments coming into operation after the thirty-first day of December one thousand eight hundred and eighty-one.

23. *Exoneration of trustees in respect of certain powers of attorney.* A trustee acting or paying money in good faith under or in pursuance of any power of attorney shall not be liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power, if this fact was not known to the trustee at the time of his so acting or paying.

Provided that nothing in this section shall affect the right of any person entitled to the money against the person to whom the payment is made, and that the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee.

24. *Implied indemnity of trustees.* A trustee shall, without prejudice to the provisions of the instrument, if any, creating the trust, be chargeable only for money and securities actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults, and not for those of any other trustee, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default; and may reimburse himself, or pay or discharge out of the trust premises, all expenses incurred in or about the execution of his trusts or powers.

### PART III.

#### POWERS OF THE COURT.

##### *Appointment of New Trustees and Vesting Orders.*

25. *Power of the Court to appoint new trustees.*

(1.) The High Court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee. In particular and without prejudice to the generality of the foregoing provision, the Court may make an order for the appointment of a new trustee in substitution for a trustee who is convicted of felony, or is a bankrupt.

(2.) An order under this section, and any consequential vesting order or conveyance, shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated.

(3.) Nothing in this section shall give power to appoint an executor or administrator.

26. *Vesting orders as to land.* In any of the following cases, namely:—

- (i.) Where the High Court appoints or has appointed a new trustee; and
- (ii.) Where a trustee entitled to or possessed of any land, or entitled to a contingent right therein, either solely or jointly with any other person,—
  - (a) is an infant, or
  - (b) is out of the jurisdiction of the High Court, or
  - (c) cannot be found; and
- (iii.) Where it is uncertain who was the survivor or two or more trustees jointly entitled to or possessed of any land; and
- (iv.) Where, as to the last trustee known to have been entitled to or possessed of any land, it is uncertain whether he is living or dead; and
- (v.) Where there is no heir or personal representative to a trustee who was entitled to or possessed of land and has died intestate as to that land, or where it is uncertain who is the heir or personal representative or devisee of a trustee who was entitled to or possessed of land and is dead; and
- (vi.) Where a trustee jointly or solely entitled to or possessed of any land, or entitled to a

contingent right therein, has been required, by or on behalf of a person entitled to require a conveyance of the land or a release of the right, to convey the land or to release the right, and has wilfully refused or neglected to convey the land or release the right for twenty-eight days after the date of the requirement;

the High Court may make an order (in this Act called a vesting order) vesting the land in any such person in any such manner and for any such estate as the Court may direct, or releasing or disposing of the contingent right to such person as the Court may direct.

Provided that—

- (a.) Where the order is consequential on the appointment of a new trustee the land shall be vested for such estate as the Court may direct in the persons who on the appointment are the trustees; and
- (b.) Where the order relates to a trustee entitled jointly with another person, and such trustee is out of the jurisdiction of the High Court or cannot be found, the land or right shall be vested in such other person, either alone or with some other person.

27. *Orders as to contingent rights of unborn persons.* Where any land is subject to a contingent right in an unborn person or class of unborn persons who, on coming into existence would, in respect thereof, become entitled to or possessed of the land on any trust, the High Court may make an order releasing the land from the contingent right, or may make an order vesting in any person the estate to or of which the unborn person or class of unborn persons would, on coming into existence, be entitled or possessed in the land.

28. *Vesting order in place of conveyance by infant mortgagee.* Where any person entitled to or possessed of land, or entitled to a contingent right in land, by way of security for money, is an infant, the High Court may make an order vesting or releasing or disposing of the land or right in like manner as in the case of an infant trustee.

29. *Vesting order in place of conveyance by heir, or devisee of heir, &c., or personal representative of mortgagee.* Where a mortgagee of land has died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of the mortgage has been paid to a person entitled to receive the same, or that last-mentioned person consents to any order for the reconveyance of the land, then the High Court may make an order vesting the land in such person or persons in such manner and for such estate as the Court may direct in any of the following cases—namely,

- (a.) Where an heir or personal representative or devisee of the mortgagee is out of the jurisdiction of the High Court or cannot be found; and
- (b.) Where an heir or personal representative or devisee of the mortgagee on demand made by or on behalf of a person entitled to require a conveyance of the land has stated in writing that he will not convey the same or does not convey the same for the space of twenty-eight days next after a proper deed for conveying the land has been tendered to him by or on behalf of the person so entitled; and
- (c.) Where it is uncertain which of several devisees of the mortgagee was the survivor; and
- (d.) Where it is uncertain as to the survivor of several devisees of the mortgagee or as to the heir or personal representative of the mortgagee whether he is living or dead; and
- (e.) Where there is no heir or personal representative to a mortgagee who has died intestate as to the land, or where the mortgagee has died and it is uncertain who is his heir or personal representative or devisee.

30. *Vesting order consequential on judgment for sale or mortgage of land.* Where any court gives a judgment or makes an order directing the sale or mortgage of any land, every person who is entitled to or possessed of the land, or entitled to a contingent right therein as heir, or under the will of a deceased person for payment of whose



debts the judgment was given or order made, and is a party to the action or proceeding in which the judgment or order is given or made or is otherwise bound by the judgment or order, shall be deemed to be so entitled or possessed, as the case may be, as a trustee within the meaning of this Act; and the High Court may, if it thinks expedient, make an order vesting the land or any part thereof for such estate as that Court thinks fit in the purchaser or mortgagee or in any other person.

**31. Vesting order consequential on judgment for specific performance, &c.]** Where a judgment is given for the specific performance of a contract concerning any land, or for the partition, or sale in lieu of partition, or exchange, of any land, or generally where any judgment is given for the conveyance of any land either in cases arising out of the doctrine of election or otherwise, the High Court may declare that any of the parties to the action are trustees of the land or any part thereof within the meaning of this Act, or may declare that the interests of unborn persons who might claim under any party to the action, or under the will or voluntary settlement of any person deceased who was during his lifetime a party to the contract or transactions concerning which the judgment is given, are the interests of persons who, on coming into existence, would be trustees within the meaning of this Act, and thereupon the High Court may make a vesting order relating to the rights of those persons, born and unborn, as if they had been trustees.

**32. Effect of vesting order.]** A vesting order under any of the foregoing provisions shall, in the case of a vesting order consequential on the appointment of a new trustee, have the same effect as if the persons who before the appointment were the trustees (if any) had duly executed all proper conveyances of the land for such estate as the High Court directs, or if there is no such person, or no such person of full capacity, then as if such person had existed and been of full capacity and had duly executed all proper conveyances of the land for such estate as the Court directs, and shall in every other case have the same effect as if the trustee or other person or description or class of persons to whose rights or supposed rights the said provisions respectively relate had been an ascertained and existing person of full capacity, and had executed a conveyance or release to the effect intended by the order.

**33. Power to appoint person to convey.]** In all cases where a vesting order can be made under any of the foregoing provisions, the High Court may, if it is more convenient, appoint a person to convey the land or release the contingent right, and a conveyance or release by that person in conformity with the order shall have the same effect as an order under the appropriate provision.

**34. Effect of vesting order as to copyhold.]** (1.) Where an order vesting copyhold land in any person is made under this Act with the consent of the lord or lady of the manor, the land shall vest accordingly without surrender or admittance.

(2.) Where an order is made under this Act appointing any person to convey any copyhold land, that person shall execute and do all assurances and things for completing the assurance of the land; and the lord and lady of the manor and every other person shall, subject to the customs of the manor and the usual payments, be bound to make admittance to the land and to do all other acts for completing the assurance thereof, as if the persons in whose place an appointment is made were free from disability and had executed and done those assurances and things.

**35. Vesting orders as to stock and choses in action.]** (1.) In any of the following cases, namely:—

- (i.) Where the High Court appoints or has appointed a new trustee; and
- (ii.) Where a trustee entitled alone or jointly with another person to stock or to a chose in action—
  - (a) is an infant, or
  - (b) is out of the jurisdiction of the High Court, or
  - (c) cannot be found, or
  - (d) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action, according to the direction of the

person absolutely entitled thereto for twenty-eight days next after a request in writing has been made to him by the person so entitled, or

- (e) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action for twenty-eight days next after an order of the High Court for that purpose has been served on him, or

- (iii.) Where it is uncertain whether a trustee entitled alone or jointly with another person to stock or to a chose in action is alive or dead,

the High Court may make an order vesting the right to transfer or call for a transfer of stock, or to receive the dividends or income thereof, or to sue for or recover a chose in action, in any such person as the Court may appoint:

Provided that—

- (a.) Where the order is consequential on the appointment by the Court of a new trustee, the right shall be vested in the persons who, on the appointment, are the trustees; and
- (b.) Where the person whose right is dealt with by the order was entitled jointly with another person, the right shall be vested in that last-mentioned person either alone or jointly with any other person whom the Court may appoint.

- (2.) In all cases where a vesting order can be made under this section, the Court may, if it is more convenient, appoint some proper person to make or join in making the transfer.

- (3.) The person in whom the right to transfer or call for the transfer of any stock is vested by an order of the Court under this Act, may transfer the stock to himself or any other person, according to the order, and the Banks of England and Ireland and all other companies shall obey every order under this section according to its tenor.

- (4.) After notice in writing of an order under this section it shall not be lawful for the Bank of England or of Ireland or any other company to transfer any stock to which the order relates or to pay any dividends thereon except in accordance with the order.

- (5.) The High Court may make declarations and give directions concerning the matter in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised.

- (6.) The provisions of this Act as to vesting orders shall apply to shares in ships registered under the Acts relating to merchant shipping as if they were stock.

**36. Persons entitled to apply for orders.]** (1.) An order under this Act for the appointment of a new trustee or concerning any land, stock, or chose in action subject to a trust, may be made on the application of any person beneficially interested in the land, stock, or chose in action, whether under disability or not, or on the application of any person duly appointed trustee thereof.

- (2.) An order under this Act concerning any land, stock, or chose in action subject to a mortgage may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the money secured by the mortgage.

**37. Powers of new trustee appointed by Court.]** Every trustee appointed by a court of competent jurisdiction shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

**38. Power to charge costs on trust estate.]** The High Court may order the costs and expenses of and incident to any application for an order appointing a new trustee, or for a vesting order, or of and incident to any such order, or any conveyance or transfer in pursuance thereof, to be paid or raised out of the land or personal estate in respect whereof the same is made, or out of the income thereof, or to be borne and paid in such manner and by such persons as to the court may seem just.

**39. Trustees of charities.]** The powers conferred by this Act as to vesting orders may be exercised for vesting any land, stock, or chose in action in any trustee of a charity or society over which the High Court would have jurisdiction upon action duly instituted, whether the appointment of the trustee was made by instrument under a power or by the High Court under its general or statutory jurisdiction.

**40. Orders made upon certain allegations to be conclusive evidence.]** Where a vesting order is made as to any land under this Act or under the Lunacy Act, 1890 [53 & 54 Vict. c. 5], or under any Act relating to lunacy in Ireland, founded on an allegation of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the heir or personal representative or devisee of a mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it is uncertain which of several trustees or which of several devisees of a mortgagee was the survivor, or whether the last trustee or the heir or personal representative or last surviving devisee of a mortgagee is living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir or has died and it is not known who is his heir or personal representative or devisee, the fact that the order has been so made shall be conclusive evidence of the matter so alleged in any court upon any question as to the validity of the order; but this section shall not prevent the High Court from directing a reconveyance or the payment of costs occasioned by any such order if improperly obtained.

**41. Application of vesting order to land out of England.]** The powers of the High Court in England to make vesting orders under this Act shall extend to all land and personal estate in Her Majesty's dominions, except Scotland.

#### Payment into Court by Trustees.

**42. Payment into Court by trustees.]** (1.) Trustees, or the majority of trustees, having in their hands or under their control money or securities belonging to a trust, may pay the same into the High Court; and the same shall, subject to rules of Court, be dealt with according to the orders of the High Court.

- (2.) The receipt or certificate of the proper officer shall be a sufficient discharge to trustees for the money or securities so paid into Court.

(3.) Where any moneys or securities are vested in any persons as trustees, and the majority are desirous of paying the same into court, but the concurrence of the other or others cannot be obtained, the High Court may order the payment into court to be made by the majority without the concurrence of the other or others; and where any such moneys or securities are deposited with any banker, broker, or other depositary, the Court may order payment or delivery of the moneys or securities to the majority of the trustees for the purpose of payment into court, and every transfer payment and delivery made in pursuance of any such order shall be valid and take effect as if the same had been made on the authority or by the act of all the persons entitled to the moneys and securities so transferred, paid, or delivered.

#### Miscellaneous.

**43. Power to give judgment in absence of a trustee.]** Where in any action the High Court is satisfied that diligent search has been made for any person who, in the character of trustee, is made a defendant in any action, to serve him with a process of the Court, and that he cannot be found, the Court may hear and determine the action and give judgment therein against that person in his character of a trustee, as if he had been duly served, or had entered an appearance in the action, and had also appeared by his counsel and solicitor at the hearing, but without prejudice to any interest he may have in the matters in question in the action in any other character.

**44. Power to sanction sale of land or minerals separately.]** (1.) Where a trustee is for the time being authorized to dispose of land by way of sale, exchange, partition, or enfranchisement, the High Court may sanction his so disposing of the land with an exception or reservation of any minerals, and with or without rights and powers of or

incidental to the working, getting, or carrying away of the minerals, or so disposing of the minerals, with or without the said rights or powers, separately from the residue of the land.

(2.) Any such trustee, with the said sanction previously obtained, may, unless forbidden by the instrument creating the trust or direction, from time to time, without any further application to the Court, so dispose of any such land or minerals.

(3.) Nothing in this section shall derogate from any power which a trustee may have under the Settled Land Acts, 1882 to 1890, or otherwise.

45. *Power to make beneficiary indemnify for breach of trust.* (1.) Where a trustee commits a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the High Court may, if it thinks fit, and notwithstanding that the beneficiary may be a married woman entitled for her separate use and restrained from anticipation, make such order as to the Court seems just, for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

(2.) This section shall apply to breaches of trust committed as well before as after the passing of this Act, but shall not apply so as to prejudice any question in an action or other proceeding which was pending on the twenty-fourth day of December one thousand eight hundred and eighty eight, and is pending at the commencement of this Act.

46. *Jurisdiction of palatine and county courts.* The provisions of this Act with respect to the High Court shall, in their application to cases within the jurisdiction of a palatine court or county court, include that court, and the procedure under this Act in palatine courts and county courts shall be in accordance with the Acts and rules regulating the procedure of those courts.

## PART IV.

## MISCELLANEOUS AND SUPPLEMENTAL.

47. *Application to trustees under Settled Land Acts of provisions as to appointment of trustees.* (1.) All the powers and provisions contained in this Act with reference to the appointment of new trustees, and the discharge and retirement of trustees, are to apply to and include trustees for the purposes of the Settled Land Acts, 1882 to 1890, whether appointed by the Court or by the settlement, or under provisions contained in the settlement.

(2.) This section applies and is to have effect with respect to an appointment or a discharge and retirement of trustees taking place before as well as after the commencement of this Act.

(3.) This section is not to render invalid or prejudice any appointment or any discharge and retirement of trustees effected before the passing of this Act, otherwise than under the provisions of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41].

48. *Trust estates not affected by trustee becoming a convict.* Property vested in any person on any

trust or by way of mortgage shall not, in case of that person becoming a convict within the meaning of the Forfeiture Act, 1870 [33 & 34 Vict. c. 23], vest in any such administrator as may be appointed under that Act, but shall remain in the trustee or mortgagee, or survive to his co-trustee or descend to his representative as if he had not become a convict; provided that this enactment shall not affect the title to the property so far as relates to any beneficial interest therein of any such trustee or mortgagee.

49. *Indemnity.* This Act, and every order purporting to be made under this Act, shall be a complete indemnity to the Banks of England and Ireland, and to all persons for any acts done pursuant thereto; and it shall not be necessary for the Bank or for any person to inquire concerning the propriety of the order, or whether the Court by which it was made had jurisdiction to make the same.

50. *Definitions.* In this Act, unless the context otherwise requires,—

The expression "bankrupt" includes, in Ireland, insolvent;

The expression "contingent right," as applied to land, includes a contingent or executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of the interest, or possibility is or is not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent;

The expressions "convey" and "conveyance" applied to any person include the execution by that person of every necessary or suitable assurance for conveying, assigning, appointing, surrendering, or otherwise transferring or disposing of land whereof he is seised or possessed, or wherein he is entitled to a contingent right, either for his whole estate or for any less estate, together with the performance of all formalities required by law to the validity of the conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of the Acts for abolition of fines and recoveries in England and Ireland respectively, and also including surrenders and other acts which a tenant of customary or copyhold lands can himself perform preparatory to or in aid of a complete assurance of the customary or copyhold land;

The expression "devise" includes the heir of a devisee and the devisee of an heir, and any person who may claim right by devolution of title of a similar description;

The expression "instrument" includes Act of Parliament;

The expression "land" includes manors and lordships, and reputed manors and lordships, and incorporeal as well as corporeal

hereditaments, and any interest therein, and also an undivided share of land;

The expressions "mortgage" and "mortgagee" include and relate to every estate and interest regarded in equity as merely a security for money, and every person deriving title under the original mortgage;

The expressions "pay" and "payment" as applied in relation to stocks and securities, and in connexion with the expression "into court" include the deposit or transfer of the same in or into court;

The expression "possessed" applies to receipt of income of, and to any vested estate less than a life estate, legal or equitable, in possession or in expectancy, in, any land;

The expression "property" includes real and personal property, and any estate and interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest, whether in possession or not;

The expression "rights" includes estates and interests;

The expression "securities" includes stocks, funds, and shares; and so far as relates to payments into court has the same meaning as in the Court of Chancery (Funds) Act, 1872 [35 & 36 Vict. c. 44];

The expression "stock" includes fully paid up shares; and, so far as relates to vesting orders made by the Court under this Act, includes any fund, annuity, or security transferable in books kept by any company or society, or by instrument of transfer either alone or accompanied by other formalities, and any share or interest therein;

The expression "transfer," in relation to stock, includes the performance and execution of every deed, power of attorney, act, and thing on the part of the transferor to effect and complete the title in the transferee;

The expression "trust" does not include the duties incident to an estate conveyed by way of mortgage; but with this exception the expressions "trust" and "trustee" include implied and constructive trusts, and cases where the trustee has a beneficial interest in the trust property, and the duties incident to the office of personal representative of a deceased person.

51. *Repeal.* The Acts mentioned in the schedule to this Act are hereby repealed except as to Scotland to the extent mentioned in the third column of that schedule.

52. *Extent of Act.* This Act does not extend to Scotland.

53. *Short title.* This Act may be cited as the Trustee Act, 1893.

54. *Commencement.* This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

## SCHEDULE.

[Section 51.]

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 Geo. 3. c. 52. 9 & 10 Vict. c. 101. 10 & 11 Vict. c. 32. 10 & 11 Vict. c. 96.	The Legacy Duty Act, 1796. The Public Money Drainage Act, 1846. The Landed Property Improvement (Ireland) Act, 1847. An Act for better securing trust funds, and for the relief of trustees.	Section thirty-two. Section thirty-seven. Section fifty-three. The whole Act.
11 & 12 Vict. c. 68.	An Act for extending to Ireland an Act passed in the last session of Parliament, entitled "An Act for better securing trust funds, and for the relief of trustees."	The whole Act.
12 & 13 Vict. c. 74. 13 & 14 Vict. c. 60.	An Act for the further relief of trustees. The Trustee Act, 1850.	The whole Act. Sections seven to nineteen, twenty-two to twenty-five, twenty-nine, thirty-two to thirty-six, forty-six, forty-seven, forty-nine, fifty-four and fifty-five; also the residue of the Act except so far as relates to the Court exercising jurisdiction in lunacy in Ireland.
15 & 16 Vict. c. 55.	The Trustee Act, 1852.	Sections one to five, eight, and nine; also the residue of the Act except so far as relates to the Court exercising jurisdiction in lunacy in Ireland.
17 & 18 Vict. c. 82. 18 & 19 Vict. c. 91.	The Court of Chancery of Lancaster Act, 1854. The Merchant Shipping Act Amendment Act, 1855.	Section eleven. Section ten, except so far as relates to the Court exercising jurisdiction in lunacy in Ireland.
20 & 21 Vict. c. 60. 22 & 23 Vict. c. 35.	The Irish Bankrupt and Insolvent Act, 1857. The Law of Property Amendment Act, 1859.	Section three hundred and twenty-two. Sections twenty-six, thirty and thirty-one.



Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 & 24 Vict. c. 38. 25 & 26 Vict. c. 108.	The Law of Property Amendment Act, 1860. An Act to confirm certain sales, exchanges, partitions, and enfranchisements by trustees and others. An Act to give further facilities to the holders of Indian stock. The Improvement of Land Act, 1864.	Section nine. The whole Act.
26 & 27 Vict. c. 73. 27 & 28 Vict. c. 114.	The Mortgage Debenture Act, 1865. The Partition Act, 1868. The National Debt Act, 1870. The Debenture Stock Act, 1871. The Vendor and Purchaser Act, 1874. The Local Loans Act, 1875. The Colonial Stock Act, 1877. The Isle of Man Loans Act, 1880. The Conveyancing and Law of Property Act, 1881. The Conveyancing Act, 1882. The Bankruptcy Act, 1883. The Trustee Act, 1888. The Trust Investment Act, 1889. The Palatine Court of Durham Act, 1889. The Lunacy Act, 1890. The Settled Land Act, 1890. The Conveyancing and Law of Property Act, 1892.	Section four. Section sixty, so far as it relates to trustees; and section sixty-one. Section forty. Section seven. Section twenty-nine. The whole Act. Sections three and six. Sections twenty-one and twenty-seven. Section twelve. Section seven, so far as it relates to trustees. Sections thirty-one to thirty-eight. Section five. Section one hundred and forty-seven. The whole Act, except sections one and eight. The whole Act, except sections one and seven. Section eight. Section one hundred and forty. Section seventeen. Section six.

#### CHAPTER 54.

[Statute Law Revision (No. 2) Act, 1893.]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. [22nd September 1893.]

#### CHAPTER 55.

[Metropolis Management (Plumstead and Hackney) Act, 1893.]

An Act to amend the Metropolis Management Acts. [22nd September 1893.]

#### CHAPTER 56.

[Fertilisers and Feeding Stuffs Act, 1893.]

An Act to amend the Law with respect to the sale of Agricultural Fertilizers and Feeding Stuffs. [22nd September 1893.]

Be it enacted, &c.:

1. *Warranty on sale of fertiliser.* (1.) Every person who sells for use as a fertiliser of the soil any article manufactured in the United Kingdom or imported from abroad shall give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not, and what is at least the percentage of the nitrogen, soluble and insoluble phosphates, and potash, if any, contained in the article, and this invoice shall have effect as a warranty by the seller of the statements contained therein.

(2.) For the purposes of this section an article shall be deemed to be manufactured if it has been subjected to any artificial process.

(3.) This section shall not apply to a sale where the whole amount sold at the same time weighs less than half a hundredweight.

2. *Warranty on sale of feeding stuff.* (1.) Every person who sells for use as food for cattle any article which has been artificially prepared shall give to the purchaser an invoice stating the name of the article and whether it has been prepared from one substance or seed, or from more than one substance or seed, and this invoice shall have effect as a warranty by the seller of the statements contained therein.

(2.) Where any article sold for use as food for cattle is sold under a name or description implying that it is prepared from any particular substance, or from any two or more particular substances, or is the product of any particular seed, or of any two or more particular seeds, and without any indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that it is pure, that is to say, is prepared from that substance or those substances only, or is a product of that seed or those seeds only.

(3.) On the sale of any article for use as food for cattle there shall be implied a warranty by the seller that the article is suitable for feeding purposes.

(4.) Any statement by the seller of the percentages of nutritive and other ingredients contained in any article sold for use as food for cattle, made after the commencement of this Act in an invoice of such article or in any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

3. *Penalties for breach of duty by seller.* (1.) If any person who sells any article for use as a fertiliser of the soil or as food for cattle commits any of the following offences, namely:—

(a.) Fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Act; or

(b.) Causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser; or

(c.) Sells for use as food for cattle any article which contains any ingredient deleterious to cattle, or to which has been added any ingredient worthless for feeding purposes and not disclosed at the time of the sale, he shall, without prejudice to any civil liability, be liable, on summary conviction, for a first offence to a fine not exceeding twenty pounds and for any subsequent offence to a fine not exceeding fifty pounds.

(2.) In any proceeding for an offence under this section it shall be no defence to allege that the buyer, having bought only for analysis, was not prejudiced by the sale.

(3.) A person alleged to have committed an offence under this section in respect of an article sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from whom he bought the article as are available to the person who bought the article from him, and any damages recovered by him may, if the circumstances justify it, include the amount of any fine and costs paid by him on conviction under this section, and the costs of and incidental to his defence on such conviction.

4. *Power to appoint analysts.* (1.) The Board of Agriculture shall appoint a chief agricultural analyst (hereafter referred to as the chief analyst), who shall have such remuneration out of moneys provided by Parliament as the Treasury may assign. The chief analyst shall not while holding his office engage in private practice.

(2.) Every county council shall, and the council of any county borough may, appoint or concur with another council or other councils in appointing for the purposes of this Act a district agricultural analyst (hereafter referred to as a district analyst) for its county or borough, or a district comprising

the counties or boroughs of the councils so concurring. The remuneration of any such district analyst shall be provided by the council, or in the case of a joint appointment by the respective councils in such proportions as they may agree, and shall be paid, in the case of a county, as general expenses, and, in the case of a county borough, out of the borough fund or borough rate. The appointment shall be subject to the approval of the Board of Agriculture. Provided that no person shall while holding the office of district analyst engage in any trade, manufacture, or business connected with the sale or importation of articles used for fertilizing the soil or as food for cattle.

5. *Power for purchaser to have fertiliser or feeding stuff analysed.* (1.) Every buyer of any article used for fertilizing the soil or as food for cattle shall, on payment to a district analyst of a fee sanctioned by the body who appointed the analyst, be entitled, within ten days after delivery of the article to the buyer or receipt of the invoice by the buyer, whichever is later, to have the article analyzed by the analyst, and to receive from him a certificate of the result of his analysis.

(2.) Where a buyer of an article desires to have the article analyzed in pursuance of this section, he shall, in accordance with regulations made by the Board of Agriculture, take three samples of the article, and shall in accordance with the said regulations cause each sample to be marked, sealed, and fastened up, and shall deliver or send by post one sample with the invoice or a copy thereof to the district analyst, and shall give another sample to the seller, and shall retain the third sample for future comparison: Provided that a district analyst, or some person authorized by him in that behalf with the approval of the body who appointed the analyst, shall on request either by the buyer or by the seller, and on payment of a fee sanctioned by the said body, take the samples on behalf of the buyer.

(3.) The certificate of the district analyst shall be in such form and contain such particulars as the Board of Agriculture direct, and every district analyst shall report to the Board as they direct the result of any analysis made by him in pursuance of this Act.

(4.) If the seller or the buyer objects to the certificate of the district analyst, one of the samples selected, or another sample selected in like manner, may, at the request of the seller, or, as the case may be, the buyer, be submitted with the invoice or a copy thereof to the chief analyst, and the seller, or, as the case may be, the buyer, shall, on payment of a fee sanctioned by the Treasury, be entitled to have the sample analyzed by the chief analyst, and to receive from him a certificate of the result of his analysis.

(5.) At the hearing of any civil or criminal proceeding with respect to any article analyzed in pursuance of this section, the production of a certificate of the district analyst, or if a sample has

been submitted to the chief analyst, then of the chief analyst, shall be sufficient evidence of the facts therein stated, unless the defendant or person charged requires that the analyst be called as a witness.

(6.) The costs of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer in accordance with the results of the analysis, and shall be recoverable as a simple contract debt.

6. *Penalty for tampering.*] If any person knowingly and fraudulently—

(a) tampers with any parcel of fertilizer or feeding stuff so as to procure that any sample of it taken in pursuance of this Act does not correctly represent the contents of the parcel; or

(b) tampers with any sample taken under this Act;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months.

7. *Prosecutions and appeals.*] (1.) A prosecution for an offence under this Act may be instituted either by the person aggrieved, or by the council of a county or borough, or by any body or association authorized in that behalf by the Board of Agriculture, but in the case of an offence under section three shall not be instituted by the person aggrieved or by any body or association except on a certificate by the Board of Agriculture that there is reasonable ground for the prosecution.

(2.) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

8. *Construction and application.*] (1.) For the purposes of this Act the expression "cattle" shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, and horses; and the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water.

(2.) This Act shall apply to wholesale as well as retail sales.

9. *Application to Scotland.*] In the application of this Act to Scotland—

(1.) The expression "council of any county borough" shall mean the magistrates and town council of a burgh, and the duties and powers of councils of counties and county burghs shall be performed and be exercisable in a county by the county councils or district committees thereof, and in a burgh by the magistrates and town council,

and the remuneration of district analysts appointed under this Act shall be paid in the case of a county, out of the consolidated rate, and in the case of a burgh out of the police or burgh general assessment.

(2.) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament, not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], applies.

(3.) Penalties for offences under this Act may be recovered summarily before the sheriff in manner provided by the Summary Jurisdiction Acts, and any person aggrieved by a summary conviction may appeal therefrom in accordance with the provisions of those Acts.

10. *Application to Ireland.*] For the purposes of the execution of this Act in Ireland, inclusive of the appointment of a chief agricultural analyst, the Lord Lieutenant acting by the advice of the Privy Council shall be substituted for the Board of Agriculture, and the district analysts shall be the analysts appointed for counties and boroughs in Ireland under the Sale of Food and Drugs Act, 1875 [38 & 39 Vict. c. 63], and the additional remuneration of such analysts for their duties under this Act shall be provided in manner directed by the said Act of 1875 and any Act amending the same.

11. *Commencement of Act.*] This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-four.

12. *Short title.*] This Act may be cited as the Fertilizers and Feeding Stuffs Act, 1893.

#### CHAPTER 57.

[*Law of Commons Amendment Act, 1893.*]

An Act to amend the Law relating to Commons.  
[22nd September 1893.]

Be it enacted, &c.:

1. *Short title of Act.*] This Act may be cited for all purposes as the Law of Commons Amendment Act, 1893.

2. *Consent of Board of Agriculture essential to inclosure.*] An inclosure or approvement of any part of a common purporting to be made under the statute of Merton and the statute of Westminster the second, or either of such statutes, shall not be valid unless it is made with the consent of the Board of Agriculture.

3. *Conditions of consent.*] In giving or withholding their consent under this Act, the Board shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the Commons Act, 1876 [39 & 40 Vict. c. 56], to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.

4. *Saving of existing rights.*] Nothing in this Act shall preclude Her Majesty her heirs and successors, or any person whatsoever whose rights or interests are affected by any inclosure or approvement, from taking any proceedings by way of information, action, or otherwise, for the abatement of such inclosure or approvement and the protection of such rights and interests.

#### CHAPTER 58.

[*Companies (Winding-up) Act, 1893.*]

An Act to amend Section ten of the Companies (Winding-up) Act, 1890.

[22nd September 1893.]

Be it enacted, &c.:

1. *Effect of order under 53 & 54 Vict. c. 63, s. 10.*] An order for payment of money made by the court under section 10 of the Companies (Winding-up) Act, 1890, shall be deemed to be a final judgment within the meaning of paragraph (g) of sub-section one of section four of the Bankruptcy Act, 1883 [46 & 47 Vict. c. 52].

2. *Short title.*] This Act may be cited as the Companies (Winding-up) Act, 1893.

#### CHAPTER 59.

[*Expiring Laws Continuance Act, 1893.*]

An Act to continue various Expiring Laws.

[22nd September 1893.]

#### CHAPTER 60.

[*Appropriation Act, 1893.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-four, and to appropriate the supplies granted in this Session of Parliament.  
[22nd September 1893.]



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